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AUTHOR	Geffert, Hannah; And Others
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ABSTRACT

This report, prepared by the Lawyers' Committee for Civil Rights Under Law, collects federal, state, and other legisltation in effect since April 15, 1975. This is an update of the report published by the Center for Applied Linguistics in 1971. The notes preceding the statutes presented here indicate the laws in the previous compilation which were amended, repealed, or omitted in the report. Following an overview of court decisions and legislation affecting bilingual education, there are excerpts from court decisions, constitutions, and statutes affecting bilingual education. State statutory provisions and other "American-flag" jurisdiction legislation are listed. Finally, a summary is presented in tabular form of legislative activity in the 50 states and other jurisdictions. (Author/AM)

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THE CURRENT STATUS OF U.S. BILINGUAL EDUCATION LEGISLATION

Hannah N. Geffert
Robert J. Harper II
Salvador Sarmiento
Daniel M. Schember

Lawyers' Committee for Civil Rights Under Law
Washington, D.C.

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Center for Applied Linguistics
ERIC Clearinghouse on Languages and Linguistics
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FOREWORD

The Center for Applied Linguistics has been involved for more than a decade in applying the findings of linguistic science in the solution of educational and social problems in the United States and elsewhere. One of its major areas of concern has been bilingual education, and it serves, in effect, as a national resource center in this field. Numerous studies and conferences have been conducted by the Center, including the organization--with the Council on Anthropology and Education--of the first inter-American conference on bilingual education, held in Mexico City in 1974. The Center has played an active role in developing guidelines for the preparation of teachers of bilingual-bicultural education, and during the past year developed a master plan for bilingual education for the San Francisco schools as a response to the Supreme Court decision in Lau v. Nichols. This landmark decision held that lack of adequate provision by federally assisted schools for large groups of non-English-speaking children constituted a denial of equal educational opportunity.

The CAL/ERIC Clearinghouse on Languages and Linguistics, which is operated by the Center for Applied Linguistics, published in 1971 a report entitled "Laws and Legal Documents Relating to Problems of Bilingual Education in the United States," compiled by Heinz Kloss. In view of the tremendous growth of interest in bilingual education and the rapid appearance of new legislation since the original report appeared, and in keeping with its commitment to disseminate information on bilingual education, the Center for Applied Linguistics is pleased to contribute to the publication of this new compilation of laws affecting bilingual education, prepared by the Lawyers' Committee for Civil Rights Under Law.

Rudolph C. Troike, Director
Center for Applied Linguistics

A. Hood Roberts, Director
CAL/ERIC Clearinghouse on
Languages and Linguistics

INTRODUCTION

The Lawyers' Committee for Civil Rights Under Law was established by a group of lawyers at the request of President Kennedy in 1963. Meeting his challenge to attorneys to insure the protection of constitutional liberties and promote the enforcement of civil rights laws has been the Committee's focus for the past twelve years. Research and litigation concerning equal educational opportunity are among the major endeavors of the Committee.

For the past two years the Lawyers' Committee has undertaken the collection and indexing of all state legal standards affecting education. Research is now being conducted to formulate alternative model state education code provisions in selected areas of education law. Because of its importance to the securing of equal opportunity, bilingual-bicultural education is of particular interest to the Committee.

In 1971, the ERIC Clearinghouse for Linguistics of the Center for Applied Linguistics in Washington, D.C. published a report, "Laws and Legal Documents Relating to Problems of Bilingual Education in the United States" by Heinz Kloss. That report compiled legislation in effect at that time.

This report, also prepared under a contract with the Center, updates Kloss's work. It collects federal, state, and other "American-flag" legislation in effect as of April 15, 1975. The notes preceding the statutes presented here indicate the laws in Kloss's compilation that were amended or repealed, as well as the laws passed after Kloss's study was completed, or which were omitted by Kloss.

Kloss also briefly discussed major federal judicial decisions affecting bilingual education. With equal brevity this report summarizes and includes excerpts from major federal court opinions in this area, including two opinions written after Kloss' report appeared.

AN OVERVIEW OF COURT DECISIONS AND LEGISLATION AFFECTING BILINGUAL EDUCATION

The Context of Legislation--Major Federal Court Decisions Relevant to Bilingual Education

Early Supreme Court decisions relevant to bilingual education concerned the constitutional rights of private schools to offer foreign languages as courses of instruction and the rights of students to attend such private schools in lieu of public schools.

In Meyer v. Nebraska, 262 U.S. 390 (1923), and Farrington v. Tokushige, 273 U.S. 284 (1927), the Supreme Court invalidated prohibitions against foreign language instruction in private schools. The statute in Meyer had prohibited all pre-eighth grade foreign language instruction and was found to violate the equal protection clause of the Fourteenth Amendment. The Hawaii territorial law in Farrington had included--in addition to regulations concerning subjects taught, textbooks used, and the political beliefs of instructors--a provision restricting foreign language instruction to one hour per day, six days per week, 38 weeks per year. The Court invoked the due process clause of the Fifth Amendment to invalidate the statute. (The Fourteenth Amendment equal protection clause applies only to the states. However, the Supreme Court has consistently held that the due process clause of the Fifth Amendment, which applies to the federal government and non-state American-flag jurisdictions, incorporates equal protection notions. See Bolling v. Sharpe, 347 U.S. 497 (1954).)

In Pierce v. Society of Sisters, 268 U.S. 510 (1925), the Court invalidated an Oregon law which had compelled attendance at public schools. The Court held that there is a constitutional right to attend a private school, though a state might prescribe a minimum curriculum or require that a private school meet reasonable safety or quality standards.

Recently, federal courts have directly addressed issues concerning the rights of limited English-speaking students in federally-assisted schools. In Lau v. Nichols, 414 U.S. 563 (1974), the Supreme Court relied on Title VI of the Civil Rights Act of 1964--a generally worded anti-discrimination statute--to invalidate the de facto exclusion of non-English-speaking students from federally assisted education programs. The Court held that a California public school district receiving federal funds must provide either bilingual or English-as-a-second-language programs whenever student members of a non-English-speaking minority are enrolled in large numbers in the district's schools.

Court Decisions

In Serna v. Portales, 499 F. 2d 1149 (10th Cir. 1974), the court relied on Lau and affirmed a trial judge's discretionary power to order bilingual programs as a remedy in a Title VI case--at least where the only alternative remedial plan presented the trial court was a "token plan that would not benefit" the plantiff students. Serna, supra at 1154.

Federal Statutes

In addition to the general anti-discrimination provision of Title VI of the Civil Rights Act of 1964, several other federal statutes encourage bilingual education programs. Some grants for bilingual education have been made under Title I and Title III of the Elementary and Secondary Education Act of 1965. The Bilingual Education Act (Title VII of the Elementary and Secondary Education Amendment of 1967, amended in 1974), of course, has been a major source of federal money for bilingual education. Some bilingual teachers have benefited from grants under the National Defense Education Act. (See Kloss, p. 6.)

Basic Trends in State Statutes

In 1971 Heinz Kloss was able to place each state in one or two of nine categories, according to whether their laws prohibited, permitted, or said nothing about non-English instruction in public, private or both public and private schools. At that time, 13 states--Alabama, Arkansas, Connecticut, Iowa, Kansas, Michigan, Minnesota, Montana, Nebraska, North Carolina, Oregon, South Dakota, and West Virginia--had statutes which required that English be the exclusive language of both public and non-public school instruction (other than foreign language instruction where the foreign language itself was the subject taught). Seven states--Delaware, Idaho, Indiana, Lousiana, North Dakota, Oklahoma, and Wisconsin--had such statutes applicable only to public schools. Two states--Massachusetts and Nevada--had similar statutes applicable only to non-public schools.

Sixteen states--Alaska, Florida, Georgia, Hawaii, Kentucky, Maryland, Mississippi, Missouri, New Jersey, Ohio, South Carolina, Tennessee, Utah, Vermont, Virginia, and Wyoming--had no statutes on the subject. Three states--Massachusetts, Nevada, and Rhode Island--had statutes applicable to non-public schools, but none applicable to public schools. Ten states--Arizona, Colorado, Delaware, Idaho, Indiana, Louisiana, New Mexico, North Dakota, Oklahoma, and Wisconsin--had statutes applicable to public schools, but none applicable to non-public schools.

Trends in State Statutes

Eight states--California, Illinois, Maine, New Hampshire, New York, Pennsylvania, Texas, and Washington--had statutes applicable to both public and non-public schools which expressly permitted non-English instruction in school subjects. Three states--Arizona, Colorado, and New Mexico--had such statutes for public schools. Rhode Island had a statute which expressly permitted non-public school instruction in a language other than English.

Since 1971, nine states have either repealed or amended their English-only statutes and now expressly or tacitly permit, or expressly require, local school districts to offer subject instruction in languages other than English. These states are Connecticut, Indiana, Kansas, Massachusetts, Michigan, Nevada, North Dakota, Oregon, and South Dakota.

Five states--Alaska, Florida, Maryland, New Jersey, and Utah--have taken action for the first time and now either permit or require local districts to provide non-English course instruction. Massachusetts and Rhode Island have enacted their first statutes applicable to public schools. Both describe circumstances under which a district must offer subjects taught in languages other than English.

Three states that formerly had only permissive legislation applicable to public and non-public schools now specify circumstances under which non-English instruction must be offered in public schools. These states are Illinois, Pennsylvania, and Texas.

One English-only state--Montana--and five states that expressly permitted non-English instruction in public schools--Arizona, California, Maine, New Mexico, and New York--have amended their statutes without changing their respective categories.

Twenty-three states have not altered their laws since 1971: Alabama, Arkansas, Colorado, Georgia, Hawaii, Idaho, Iowa, Kentucky, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

As of April, 1975, state laws fall into five categories. Seven states--Alabama, Arkansas, Iowa, Montana, Nebraska, North Carolina, and West Virginia--have English-only statutes applicable to both public and non-public schools.

Five states--Delaware, Idaho, Louisiana, Oklahoma, and Wisconsin--have English-only provisions applicable to the public schools.

Trends in State Statutes

Fourteen states--Georgia, Hawaii, Indiana, Kentucky, Mississippi, Missouri, Nevada, North Dakota, Ohio, South Carolina, Tennessee, Vermont, Virginia, and Wyoming--now have no provisions. Three of these states--Indiana, Nevada, and North Dakota--have entered this category since 1971 by simply repealing their English-only statutes.

Twenty-two states--Arizona, California, Colorado, Connecticut, Florida, Illinois, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New Mexico, New York, Oregon, Rhode Island, South Dakota, Texas, Utah, and Washington--have statutes which expressly or implicitly permit school districts to offer courses in a language other than English. Of these, six describe circumstances under which a school district must offer such courses.

Two states--Alaska and Pennsylvania--describe only circumstances under which non-English instruction in substantive courses is required.

Other American-flag jurisdictions

Before 1971, the Virgin Islands, Guam, the District of Columbia, Trust Territories of the Pacific, and the Panama Canal Zone had no statutory provisions specifying the language of instruction to be used in the classroom. Puerto Rico required the use of Spanish as the language of instruction.

Since 1971, only the Virgin Islands and Guam have undergone any legislative change. The Virgin Islands now require the Board of Education to provide courses in English and Spanish if special circumstances arise. Guam permits public schools to develop non-English programs for the Chamorro people.

American Samoa, though listed by Kloss as having no statutory provisions dealing with the language of instruction to be used in the classroom, has permitted non-English instruction in the public schools since 1962.

EXCERPTS FROM COURT DECISIONS, CONSTITUTIONS,
AND STATUTES AFFECTING BILINGUAL EDUCATION

Federal Court Decisions

Note: 1. Lau v. Nichols and Serna v. Portales Municipal Schools new since Kloss's study.

Meyer v. Nebraska, 262 U.S. 390, 1923

Forbidding the teaching in school of any other than the English language until the pupil has passed the eighth grade violates the guarantee of liberty in the Fourteenth Amendment of the Federal Constitution, in the absence of sudden emergency rendering the knowledge of the foreign language clearly harmful.

Ibid; from the opinion of the Court

The Supreme Court of the State has held that the so-called ancient or dead languages "are not within the spirit or the purpose of the act." ...Latin, Greek, Hebrew are not prescribed; but German, French, Spanish, Italian and every other alien speech are within the ban. Evidently the legislature has attempted materially to interfere with the calling of modern language teachers, with the opportunities of pupils to acquire knowledge, and with the power of parents to control the education of their children.

It is said, that the purpose of the legislation was to promote civic development by inhibiting training and education of the immature in foreign tongues and ideals before they could learn English and acquire American ideals; and "that the English language should be and become the mother tongue of all children reared in this State." It is also affirmed that the foreign born population is very large, that certain communities commonly use foreign words, follow foreign leaders, move in a foreign atmosphere and that the children are thereby hindered from becoming citizens of the most useful type, and the public safety is imperiled.

That the State may do much, go very far indeed in order to improve the quality of its citizens, physically, and mentally, and morally, is clear; but the individual has certain fundamental rights which must be respected. The protection of the Constitution extends to all those who speak other languages as well as to those born with English on the tongue. Perhaps it would be highly advantageous if all had a ready understanding of our ordinary speech, but this cannot be coerced by

methods which conflict with the Constitution - a desirable end cannot be prompted by prohibited means.

The power of the State to compel attendance at some schools and to make reasonable regulations for all schools, including a requirement that they shall give instructions in English, is not questioned; nor has challenge been made of the State's power to prescribe a curriculum for institutions which it supports.

Pierce v. Society of Sisters, 268 U.S. 571 (1925)

The fundamental theory of liberty upon which all government of this country rests, excludes any general power of the state, to standardize its children by forcing them to accept instruction from public teachers only.

The Oregon Compulsory Education Act... is an unreasonable interference with the liberty of the parents and guardians to direct the upbringing of the children, and in that respect violates the 14th Amendment.

Farrington v. Tokushige, 273 U.S. 284 (1927)

Acts of the Legislature of Hawaii relating to foreign language schools or the teachers thereof and regulations adopted thereunder by the Department of Public Instruction, taken as a whole, appear to infringe rights, under the Fifth Amendment, of owners of private Japanese schools, and the parents attending them...

The due process clause of the Fifth Amendment affords the same protection to fundamental rights of private school owners, parents and children against invasion by the Federal Government and its Agencies (such as a territorial legislature) as it has been held the Fourteenth Amendment affords against action by a State.

Mo Hock Ke Lok Po v. Stainback, District Court Hawaii, 74 F. Supp. 852 (1944)

(854) The parents' right to have their offspring taught a foreign language is one of the fundamental rights guaranteed by the due process clause of the Fifth and Fourteenth Amendments. (856)... It should be noted however, that to the fundamental parental right to secure for a child a foreign language so recognized in the Berea College and the Society of Sisters cases - that is in the American isolationist period between 1909 and 1926 - in today's world of the United Nations there has been added an equally profound international need for understanding between the peoples of a world of different tongues....(857) The Act... shows on its face a denial of the rights to acquire a foreign

language to that half, or nearly half, of Hawaiian children of more than "average intelligence." ...In Hawaii there were 22,357 children in the first four grades. Of these at least 10,000 above average intelligence the brighter ones, are denied the right then to begin to acquire a foreign language even with a tutor at home. We do not agree that such a denial... is warrented to seek the elimination of the harm it seeks to avoid for those of lesser ability.

Lau v. Nichols, 414 U.S. 563, 39 L. Ed 2d 1, 94 S. Ct 786

Mr. Justice Douglas delivered the opinion of the Court: The District Court found that there are 2,856 students of Chinese ancestry in the school system who do not speak English. Of those who have that language deficiency, about 1,000 are given supplemental courses in the English language. About 1,800, however, do not receive that instruction. This class suit brought by non-English-speaking Chinese students against officials responsible for the operation of the San Francisco Unified School District seeks relief against the unequal education opportunities, which are alleged to violate, inter alia, the Fourteenth Amendment. No specific remedy is urged upon us.

Teaching English to the students of Chinese ancestry who do not speak the language is one choice. Giving instructions to this group in Chinese is another. There may be others. Petitioners ask only that the Board of Education be directed to apply its experience to the problem and rectify the situation....

[T]here is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education.

Basic English skills are at the very core of what these public schools teach. Imposition of a requirement that, before a child can effectively participate in the education program, he must already have acquired those basic skills is to make a mockery of public education. We know that those who do not understand English are certain to find their classroom experiences wholly incomprehensible and in no way meaningful.

We do not reach Equal Protection Clause argument which has been advanced but rely solely on Section 601 of the Civil Rights Act of 1964, 42 USC Section 2000d....

By Section 602 of the Act HEW is authorized to issue rules, regulations, and orders to make sure that recipients of federal aid under its jurisdiction conduct any federally financed projects consistent with Section 601. HEW's

regulations 45 CFR Section 80.3 (b) (1), specify that the recipients may not:

> (ii) Provide any service, financial aid, or other benefit to an individual which is different, or is in a different manner, from that provided to others under the program;....
>
> (iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program.

Discrimination among students on account of race or national origin that is prohibited includes "discrimination... in the availability or use of any accommodations... or other facilities of the grantee or other recipient," Id., Section 80.5 (b).

Discrimination is barred which has that effect even though no purposeful design is presented: a recipient "may not... utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination" or has "the effect of defeating or substantially impairing accomplishment of the objectives of the program as respect individuals of a particular race, color, or national origin." Id., Section 80.3 (b) (2).

It seems obvious that the Chinese-speaking minority receives fewer benefits that the English-speaking majority from respondents' school system which denies them a meaningful opportunity to participate in the educational program--all earmarks of the discrimination banned by the regulations. In 1970 HEW issued clarifying guidelines, 35 Fed Reg 11595, which include the following:

> Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the education program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students.
>
> Any ability grouping or tracking system employed by the school system to deal with the special language skill needs of national origin-minority group children must be designed to meet such language skill needs as soon as possible and must not operate as an educational dead end or permanent track.

Concurring opinion by Mr. Justice Stewart

> [I]t is not entirely clear that Section 601 of the Civil Rights Act of 1964, 42 USC Section 2000d [42 USCS Section 2000d], standing alone would render illegal the expenditure of federal funds on these schools....
>
> On the other hand, the interpretative guidelines published by the Office of Civil Rights... clearly indicate that affirmative efforts to give special training for non-English-speaking pupils are required by Title VI as a condition to receipt of federal aid to public schools....
>
> The critical question is, therefore, whether the regulations and guidelines promulgated by HEW go beyond the authority of Section 601. Last term, in Mourning v. Family Publication Service, Inc., 411 US 356, 369, 36 L Ed 2d 318, 93 S Ct 1652, we held that the validity of a regulation promulgated under a general authorization provision such as Section 602 of Title VI "will be sustained so long as it is 'reasonably related to the purposes of the enabling legislation.' Thorpe v. Housing Authority of the City of Durham, 393 US 268, 280-281 [21 L Ed 2d 474, 89 S Ct 518] (1969)." I think the guidelines here fairly meet that test. Moreover, in assessing the purposes of remedial legislation we have found that departmental regulations and "consistent administrative construction" are "entitled to great weight."

Concurring opinion by Mr. Justice Blackmun

> Against the possibility that the Court's judgment may be interpreted too broadly, I stress the fact that the children with whom we are concerned here number about 1,800....
>
> I merely wish to make plain that when, in another case, we are concerned with a very few youngsters, or with just a single child who speaks only German or Polish or Spanish or any other language other than English, I would not regard today's decision, or the separate concurrence, as conclusion upon the issue whether the statute and the guideline require the funded school district to provide special instruction. For me, numbers are at the heart of this case, and my concurrence is to be understood accordingly.

Serna v. Portales Municipal Schools, 499 F. 2d 1149 (10th Cir. 1974)

> [T]he factual situation in the instance case is strikingly similar to that found in Lau. Appellees are Spanish-surnamed students who prior to this lawsuit were placed in totally English-speaking schools. There is substantial evidence that most of these Spanish-surnamed students are deficient in the English language; nevertheless no affirmative steps were taken by the Portales school district to rectify these language deficiencies....
>
> While Spanish-surnamed children are required to attend school, and if they attend public schools the courses must be taught in English, Portales school district has failed to institute a program which will rectify language deficiencies so that these children will receive a meaningful education. The Portales school curriculum, which has the effect of discrimination even though probably no purposeful design is present, therefore violates the requisites of Title VI and the requirement imposed by or pursuant to HEW regulations....
>
> Appellants argue that even if the school district were unintentionally discriminating against Spanish-surnamed students prior to institution of this lawsuit, the program they presented to the trial court in compliance with the court's memorandum opinion sufficiently meets the needs of appellees....
>
> After reviewing the entire record we are in agreement with the trial court's decision. The record reflects a long-standing educational policy by the Portales schools that failed to take into consideration the specific needs of Spanish-surnamed children. After appellants submitted a proposed bilingual-bicultural program to the trial court a hearing was held on the adequacies of this plan. At this hearing expert witnesses pointed out the fallacies of appellants' plan and in turn offered a more expansive bilingual-bicultural plan. The trial court thereafter fashioned a program which it felt would meet the needs of Spanish-surnamed students in the Portales school system. We do not believe that under the unique circumstances of this case the trial court's plan is unwarranted. The evidence shows unequivocally that appellants had failed to provide appellees with a meaningful education. There was adequate evidence that appellants' proposed program was only a token plan that would not benefit appellees. Under these circumstances the trial court had a duty to fashion a program which would provide adequate relief for Spanish-surnamed children. As the Court noted in Swann v. Charlotte-Mecklenburg Board of Education, 402 U.S. 1, 15, 91 S. Ct. 1267, 1276, 28 L. Ed. 2d 554 (1971),

Federal Court Decisions

"[o]nce a right and a violation have been shown, the scope of a district court's equitable powers to remedy past wrongs is broad, for breadth and flexibility are inherent in equitable remedies." Under Title VI of the Civil Rights Act of 1964 appellees have a right to bilingual education. And in following the spirit of Swann, supra, we believe the trial court, under its inherent equitable power, can properly fashion a bilingual-bicultural program which will assure that Spanish-surnamed children receive a meaningful education.

The New Mexico State Board of Education stresses the effect the decision will have on the structure of public education in New Mexico. It is suggested that bilingual programs will now be necessitated throughout the state wherever a student is found who does not have adequate facility in the English language. We do not share SBE's fears. As Mr. Justice Blackmun pointed out in his concurring opinion in Lau, numbers are at the heart of this case and only when a substantial group is being deprived of a meaningful education will a Title VI violation exist.

Federal Constitution and Statutory Provision

Note:
1. Bilingual Education Act (880b) amended.
2. Adult Education Act 20 S1205 amended to include S1205(a) (11)
3. Vocational Training Act 20 S1393 amended to include subchapter X
4. Emergency Aid Act 20 S1607 amended to include S1607 (c) (1)
5. Public Library Services and Construction 20 S351(b) amended to include S 351d (b) (4)
6. State Vocational Education Programs 20 S1262 amended to include S1262(a) (4) (c)
7. Kloss omitted Section 601-Civil Rights Act of 1964 This was the statute construed in Lau v. Nichols.

U.S. Constitution, Fifth Amendment (1791)

No person shall... be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

U.S. Constitution, Fourteenth Amendment (1868)

No State shall... deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Bilingual Education Act (880b)

S880b Congressional declaration of policy; authorization of appropriations

(a) Recognizing--

(1) that there are large numbers of children of limited English-speaking ability;

(2) that many of such children have a cultural heritage which differs from that of English-speaking persons;

(3) that a primary means by which a child learns is through the use of such child's language and cultural heritage;

(4) that, therefore, large numbers of children of limited English-speaking ability have educational needs which can be met by the use of bilingual educational methods and techniques; and

(5) that, in addition, children of limited English-speaking ability benefit through the fullest utilization of multiple language and cultural resources,

the Congress declares it to be the policy of the United States, in order to establish equal educational opportunity for all children (A) to encourage the establishment and operation, where appropriate, of educational programs using bilingual educational practices, techniques, and methods, and (B) for that purpose, to provide financial assistance to local educational agencies, and to State educational agencies for certain purposes, in order to enable such local educational agencies to develop and carry out such programs in elementary and secondary schools, including activities at the preschool level, which are designed to meet the educational needs of such children; and to demonstrate effective ways of providing, for children of limited English-speaking ability, instruction designed to enable them, while using their native language, to achieve competence in the English language.

(b) (1) Except as is otherwise provided in this subchapter, for the purpose of carrying out the provisions of this subchapter, there are authorized to be appropriated $135,000,000 for the fiscal year ending June 30, 1974; $135,000,000 for the fiscal year ending June 30, 1975; $140,000,000 for the fiscal year ending June 30, 1976; $150,000,000 for the fiscal year ending June 30, 1977; and $160,000,000 for the fiscal year ending June 30, 1978.

(2) There are further authorized to be appropriated to carry out the provisions of section 380b--7(b)(3) of this title $6,750,000 for the fiscal year ending June 30,1974; $7,250,000 for the fiscal year ending June 30, 1975; $7,750,000 for the fiscal year ending June 30, 1976; $8,750,000 for the

fiscal year ending June 30, 1977; and $9,750,000 for the fiscal year ending June 30, 1978.

(3) From the sums appropriated under paragraph (1) for any fiscal year--

(A) the Commissioner shall reserve $16,000,000 of that part thereof which does not exceed $70,000,000 for training activities carried out under clause (3) of subsection (a) of section 880b--7 of this title, and shall reserve for such activities 33 1/3 per centum of that part thereof which is in excess of $70,000,000; and

(B) the Commissioner shall reserve from the amount not reserved pursuant to clause (A) of this paragraph such amounts as may be necessary, but not in excess of 1 per centum thereof, for the purposes of section 880b-11 of this title.

S880b--1. General provisions--Definitions; English-speaking children, enrollment; application

(a) The following definitions shall apply to the terms used in this subchapter:

(1) The term "limited English-speaking ability", when used with reference to an individual, means--

(A) individuals who were not born in the United States or whose native language is a language other than English, and

(B) individuals who come from environments where a language other than English is dominant, as further defined by the Commissioner by regulations;

and, by reason thereof, have difficulty speaking and understanding instruction in the English language.

(2) The term "native language", when used with reference to an individual of limited English-speaking ability, means the language normally used by such individuals, or in the case of a child, the language normally used by the parents of the child.

(3) The term "low-income" when used with respect to a family means an annual income for such a family which does not exceed the low annual income determined pursuant to section 241c of this title.

(4) (A) The term "program of bilingual education" means a program of instruction, designed for children of limited English-speaking ability in elementary or secondary schools, in which, with respect to the years of study to which such program is applicable--

(i) there is instruction given in, and study of, English and, to the extent necessary to allow a child to progress effectively through the educational system, the native language of the children of limited English-speaking ability, and such instruction is given with appreciation for the cultural heritage of such children, and, with respect to elementary school instruction, such instruction shall, to the extent necessary, be in all courses or subjects of study which will allow a child to progress effectively through the educational system; and

(ii) the requirements in subparagraphs (B) through (E) of this paragraph and established pursuant to subsection (b) of this section are met.

(B) A program of bilingual education may make provision for the voluntary enrollment to a limited degree therein, on a regular basis, of children whose language is English, in order that they may acquire an understanding of the cultural heritage of the children of limited English-speaking ability for whom the particular program of bilingual education is designed. In determining eligibility to participate in such programs, priority shall be given to the children whose language is other than English. In no event shall the program be designed for the purpose of teaching a foreign language to English-speaking children.

(C) In such courses or subjects of study as art, music, and physical education, a program of bilingual education shall make provision for the participation of children of limited English-speaking ability in regular classes.

(D) Children enrolled in a program of bilingual education shall, if graded classes are used, be placed, to the extent practicable, in classes with children of approximately the same age and level of educational attainment. If children of significantly varying ages or levels of educational attainment are placed in the same class, the program of bilingual education shall seek to insure that each child is provided with instruction which is appropriate for his or her level of educational attainment.

(E) An application for a program of bilingual education shall be developed in consultation with parents of children of limited English-speaking ability, teachers, and, where

applicable, secondary school students, in the areas to be served, and assurances shall be given in the application that, after the application has been approved under this subchapter, the applicant will provide for participation by a committee composed of, and selected by, such parents, and, in the case of secondary schools, representatives of secondary school students to be served.

(5) The term "Office" means the Office of Bilingual Education.

(6) The term "Director" means the Director of the Office of Bilingual Education.

(7) The term "Council" means the National Advisory Council on Bilingual Education.

(8) The term "other programs for persons of limited English-speaking ability" when used in sections 880b-10 and 880b-11 of this title means the program authorized by section 1607(c) of this title and the programs carried out in coordination with the provisions of this subchapter pursuant to section 1262(a) (4) (C) of this title and sections 1393 to 1393f of this title and section 1205(a) (11) of this title, and programs and projects serving areas with high concentrations of persons of limited English-speaking ability pursuant to section 315(b) (4) of this title.

Model programs

(b) The Commissioner, after receiving recommendations from State and local educational agencies and groups and organizations involved in bilingual education, shall establish, publish, and distribute, with respect to programs of bilingual education, suggested models with respect to pupil-teacher ratios, teacher qualifications, and other factors affecting the quality of instruction offered in such programs.

Regulations

(c) In prescribing regulations under this section, the Commissioner shall consult with State and local educational agencies, appropriate organizations representing parents and children of limited English-speaking ability, and appropriate groups and organizations representing teachers and educators involved in bilingual education.

S880b--7. Bilingual education programs--grants for certain programs and activities

(a) Funds available for grants under this part shall be used for--

(1) the establishment, operation, and improvement of programs of bilingual education;

(2) auxiliary and supplementary community and educational activities designed to facilitate and expand the implementation of programs described in clause (1), including such activities as (A) adult education programs related to the purposes of this subchapter particularly for parents of children participating in programs of bilingual education, and carried out, where appropriate, in coordination with programs assisted under the Adult Education Act, and (B) preschool programs preparatory and supplementary to bilingual education programs;

(3) (A) the establishment, operation, and improvement of training programs for personnel preparing to participate in, or personnel participating in, the conduct of programs of bilingual education and (B) auxiliary and supplementary training programs, which shall be included in each program of bilingual education, for personnel preparing to participate in, or personnel participating in, the conduct of such programs; and

(4) planning, and providing technical assistance for, and taking other steps leading to the development of, such programs.

(b) (1) A grant may be made under this section only upon application therefor by one or more local educational agencies or by an institution of higher education, including a junior or community college, applying jointly with one or more local educational agencies (or, in the case of a training activity described in clause (3) (A) of subsection (a) of this section, by eligible applicants as defined in section 880b-9 of this title). Each such application shall be made to the Commissioner at such time, in such manner, and containing such information as the Commissioner deems necessary, and

(A) include a description of the activities set forth in one or more of the clauses of subsection (a) of this section which the applicant desires to carry out; and

(B) provide evidence that the activities so described will make substantial progress toward making programs of bilingual education available to the children having need thereof in the area served by the applicant.

(2) An application for a grant under this part may be approved only if--

(A) the provision of assistance proposed in the application is consistent with criteria established by the Commissioner, after consultation with the State educational agency, for the purpose of achieving an equitable distribution of assistance under this part within the State in which the applicant is located, which criteria shall be developed by his taking into consideration (i) the geographic distribution of children of limited English-speaking ability, (ii) the relative need of persons in different geographic areas within the State for the kinds of services and activities described in subsection (a) of this section, (iii) with respect to grants to carry out programs described in clauses (1) and (2) of subsection (a) of this section, the relative ability of particular local educational agencies within the State to provide such services and activities, and (iv) with respect to such grants, the relative numbers of persons from low-income families sought to be benefitted by such programs;

(B) in the case of applications from local educational agencies to carry out programs of bilingual education under clause (1) of subsection (a) of this section, the Commissioner determines that not less than 15 per centum of the amounts paid to the applicant for the purposes of such programs shall be expended for auxiliary and supplementary training programs in accordance with the provisions of clause (3) (B) of such subsection and section 880b-9 of this title;

(C) the Commissioner determines (i) that the program will use the most qualified available personnel and the best resources and will substantially increase the educational opportunities for children of limited English-speaking ability in the area to be served by the applicant, and (ii) that, to the extent consistent with the number of children enrolled in nonprofit, nonpublic schools in the area to be served whose educational needs are of the type which the program is intended to meet, provision has been made for participation of such children; and

(D) the State educational agency has been notified of the application and has been given the opportunity to offer recommendations thereon to the applicant and to the Commissioner.

(3) (A) Upon an application from a State educational agency, the Commissioner shall make provision for the submission and approval of a State program for the coordination by such State agency of technical assistance to programs of bilingual education in such State assisted under this subchapter. Such State program shall contain such provisions, agreements, and assurances as the Commissioner shall, by regulation, determine necessary and proper to achieve the purposes of this subchapter, including assurances that funds made available under this section for any fiscal year will be so used as to supplement, and to the extent practical, increase the level of funds that would, in the absence of such funds be made available by the State for the purposes described in this section, and in no case to supplant such funds.

(B) Except as is provided in the second sentence of this subparagraph, the Commissioner shall pay from the amounts authorized for these purposes pursuant to section 880b of this title for each fiscal year to each State educational agency which has a State program submitted and approved under subparagraph (A) such sums as may be necessary for the proper and efficient conduct of such State programs. The amount paid by the Commissioner to any State educational agency under the preceding sentence for any fiscal year shall not exceed 5 per centum of the aggregate of the amounts paid under this part to local educational agencies in the State of such State educational agency in the fiscal year preceding the fiscal year in which this limitation applies.

Distribution of funds; priority to needy areas

(c) In determining the distribution of funds under this subchapter, the Commissioner shall give priority to areas having the greatest need for programs assisted under this subchapter.

S880b--8. Indian children in schools--Tribal institution or organization considered to be local educational agency

(a) For the purpose of carrying out programs under this part for individuals served by elementary and secondary schools operated predominantly for Indian children, a nonprofit institution or organization of the Indian tribe concerned which operates any such school and which is approved by the Commissioner for the purposes of this section may be considered to be a local educational agency as such term is used in this subchapter.

Payments to Secretary of Interior for bilingual education of children on reservations by schools operated or funded by Department of Interior; criteria

(b) From the sums appropriated pursuant to section 880b(b) of this title, the Commissioner is authorized to make payments to the Secretary of the Interior to carry out programs of bilingual education for children on reservations served by elementary and secondary schools for Indian children operated or funded by the Department of the Interior. The terms upon which payments for such purpose may be made to the Secretary of the Interior shall be determined pursuant to such criteria as the Commissioner determines will best carry out the policy of section 880b (a) of this title.

Annual report to Congress and President; authority or obligation of Director unaffected

(c) The Secretary of the Interior shall prepare and, not later than November 1 of each year, shall submit to the Congress and the President an annual report detailing a review and evaluation of the use, during the preceding fiscal year, of all funds paid to him by the Commissioner under subsection (b) of this section, including complete fiscal reports, a description of the personnel and information paid for in whole or in part with such funds, the allocation of such funds, and the status of all programs funded from such payments. Nothing in this subsection shall be construed to relieve the Director of any authority or obligation under this part.

Assessment of needs of Indian children; submitted to Congress and President

(d) The Secretary of the Interior shall, together with the Information required in the preceding subsection, submit to the Congress and the President, an assessment of the needs of Indian children with respect to the purposes of this subchapter in schools operated or funded by the Department of the Interior, including those State educational agencies and local educational agencies receiving assistance under the Johnson-O'Malley Act (section 452 et seq. of Title 25) and an assessment of the extent to which such needs are being met by funds provided to such schools for educational purposes through the Secretary of the Interior.

S880b--9. Training activities--Grants and contracts for personnel training, special training programs, and training institutes; fellowships: number, report to congressional committees; stipends; funds limitation; application for

purposes of section 880b--1 (a) (1) (E) of this title

(a) (1) In carrying out provisions of clauses (1) and (3) of the subsection (a) of section 880b-7 of this title, with respect to training, the Commissioner shall, through grants to, and contracts with, eligible applicants, as defined in subsection (b) of this section, provide for--

(A) (i) training, carried out in coordination with any other programs training auxiliary educational personnel, designed (I) to prepare personnel to participate in, or for personnel participating in, the conduct of programs of bilingual education, including programs emphasizing opportunities for career development, advancement, and lateral mobility, (II) to train teachers, administrators, paraprofessionals, teacher aides, and parents, and (III) to train persons to teach and counsel such persons, and (ii) special training programs designed (I) to meet individual needs, and (II) to encourage reform, innovation, and improvement in applicable education curricula in graduate education, in the structure of the academic profession, and in recruitment and retention of higher education and graduate school facilities, as related to bilingual education; and

(B) the operation of short-term training institutes designed to improve the skills of participants in the programs of bilingual education in order to facilitate their effectiveness in carrying out responsibilities in connection with such programs.

(2) In addition the Commissioner is authorized to award fellowships for study in the field of training teachers for bilingual education. For the fiscal year ending June 30, 1975, not less than 100 fellowships leading to a graduate degree shall be awarded under the preceding sentence for preparing individuals to train teachers for programs to the need for teachers of various groups of individuals with limited English-speaking ability. For each fiscal year after June 30, 1975, and prior to July 1, 1978, the Commissioner shall report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Public Welfare of the Senate on the number of fellowships in the field of training teachers for bilingual education which he recommends will be necessary for that fiscal year.

(3) The Commissioner shall include in the terms of any arrangement described in paragraph (1) and (2) of subsection (a) of this section provisions for the payment, to persons participating in training programs so described, of such stipends (including allowances for subsistence and other expenses for

such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

(4) In making grants or contracts under this section, the Commissioner shall give priority to eligible applicants with demonstrated competence and experience in the field of bilingual education. Funds provided under grants or contracts for training activities described in this section to or with a State educational agency, separately or jointly, shall in no event exceed in the aggregate in any fiscal year 15 per centum of the total amount of funds obligated for training activities pursuant to clauses (1) and (3) of subsection (a) of section 880b-7 of this title in such year.

(5) An application for a grant or contract for preservice or inservice training activities described in clause (A) (i) (I) and clause (A) (ii) (I) and in subsection (a) (1) (B) of this section shall be considered an application for a program of bilingual education for the purposes of subsection (a) (4) (E) of section 880b--1 of this title.

"Eligible applicants" defined

(b) For the purposes of this section, the term " eligible applicants" means--

(1) institutions of higher education (including junior colleges and community colleges) which apply, after consultation with, or jointly with, one or more local educational agencies;

(2) local educational agencies; and

(3) State educational agencies.

PART B--ADMINISTRATION

S880b--10. Office of Bilingual Education--Execution of functions of Commissioner

(a) There shall be, in the Office of Education, an Office of Bilingual Education (hereafter in this section referred to as the "Office") through which the Commissioner shall carry out his functions relating to bilingual education.

Director of Bilingual Education; appointment; delegation of functions

(b) (1) The Office shall be headed by a Director of Bilingual Education, appointed by the Commissioner, to whom the Commissioner shall delegate all of his delegable functions relating to bilingual education.

(2) The Office shall be organized as the Director determines to be appropriate in order to enable him to carry out his functions and responsibilities effectively.

Report to Congress and President; contents

(c) The Commissioner, in consultation with the Council, shall prepare and, not later than November 1 of 1975, and of 1977, shall submit to the Congress and the President a report on the condition of bilingual education in the Nation and the administration and operation of this subchapter and of other programs for persons of limited English-speaking ability. Such report shall include--

(1) a national assessment of the educational needs of children and other persons with limited English-speaking ability and of the extent to which such needs are being met from Federal, State, and local efforts, including (A) not later than July 1, 1977, the results of a survey of the number of such children and persons in the States, and (B) a plan, including cost estimates, to be carried out during the five-year period beginning on such date, for extending programs of bilingual education and bilingual vocational and adult education programs to all such preschool and elementary school children and other persons of limited English-speaking ability, including a phased plan for training of the necessary teachers and other educational personnel necessary for such purpose;

(2) a report on and an evaluation of the activities carried out under this subchapter during the preceding fiscal year and the extent to which each of such activities achieves the policy set forth in section 880b (a) of this title;

(3) a statement of the activities intended to be carried out during the succeeding period, including an estimate of the cost of such activities;

(4) an assessment of the number of teachers and other educational personnel needed to carry out programs of bilingual education under this subchapter and those carried out under other programs for persons of limited English-speaking ability and a statement describing the activities carried out thereunder designed to prepare teachers and other educational personnel for such programs, and the number of other educational personnel needed to carry out programs of bilingual education in the States and a statement describing the activities carried out under this subchapter designed to prepare teachers and other educational personnel for such programs; and

(5) a description of the personnel, the functions of such personnel, and information available at the regional offices of the Department of Health, Education, and Welfare dealing with bilingual programs within that region.

S880b--11. National Advisory Council on Bilingual Education-Establishment; membership; Chairman; qualifications; representation of interested persons and geographic areas

(a) Subject to part D of the General Education Provisions Act, there shall be a National Advisory Council on Bilingual Education composed of fifteen members appointed by the Secretary, one of whom he shall designate as Chairman. At least eight of the members of the Council shall be persons experienced in dealing with the educational problems of children and other persons who are of limited English-speaking ability, at least one of whom shall be representative of persons serving on boards of education operating programs of bilingual education. At least three members shall be experienced in the training of teachers in programs of bilingual education. At least two members shall be persons with general experience in the field of elementary and secondary education. At least two members shall be classroom teachers of demonstrated teaching abilities using bilingual methods and techniques. The members of the Council shall be appointed in such a way as to be generally representative of the significant segments of the population of persons of limited English-speaking ability and the geographic areas in which they reside.

Meetings

(b) The Council shall meet at the call of the Chairman, but, notwithstanding the provisions of section 1233e(a) of this title, not less often than four times in each year.

Duties; report to Congress and President

(c) The Council shall advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration and operation of this subchapter, including the development of criteria for approval of applications, and plans under this subchapter, and the administration and operation of other programs for persons of limited English-speaking ability. The Council shall prepare and, not later than November 1 of each year, submit a report to the Congress and the President on the condition of bilingual education in the Nation and on the administration and operation of this subchapter,

including those items specified in section 880b-10 (c) of this title, and the administration and operation of other programs for persons of limited English-speaking ability.

Personnel procurement; staff; information, and other assistance

(d) The Commissioner shall procure temporary and intermittent services of such personnel as are necessary for the conduct of the functions of the Council, in accordance with section 1233d of this title, and shall make available to the Council such staff, information, and other assistance as it may require to carry out its activities effectively.

PART C--SUPPORTIVE SERVICES AND ACTIVITIES

S880b--12. Administration; regulations; delegation of functions

(a) The provisions of this part shall be administered by the Assistant Secretary, in consultation with--
(1) the Commissioner, through the Office of Bilingual Education; and
(2) the Director of the National Institute of Education, notwithstanding the second sentence of section 1221e (b) (1) of this title; in accordance with regulations.

(b) The Assistant Secretary shall, in accordance with clauses (1) and (2) of subsection (a) of this section, develop and promulgate regulations for this part and then delegate his functions under this part, as may be appropriate under the terms of section 880b--13 of this title.

S880b--13. Research and demonstration projects--Bilingual education research; statement of purpose

(a) The National Institute of Education shall, in accordance with the provisions of section 1221e of this title, carry out a program of research in the field of bilingual education in order to enhance the effectiveness of bilingual education programs carried out under this subchapter and other programs for persons of limited English-speaking ability.

Competitive contracts

(b) In order to test the effectiveness of research findings by the National Institute of Education and to demonstrate new or innovative practices, techniques, and methods for use in such bilingual education programs, the Director and the Commissioner are authorized to make competitive contracts with public and private educational agencies, institutions, and organizations for such purpose.

Studies; instructional materials; national clearinghouse of information

(c) In carrying out their responsibilities under this section, the Commissioner and the Director shall, through competitive contracts with appropriate public and private agencies, institutions, and organizations--
(1) undertake studies to determine the basic educational needs and language acquisition characteristics of, and the most effective conditions for, educating children of limited English-speaking ability;
(2) develop and disseminate instructional materials and equipment suitable for use in bilingual education programs; and
(3) establish and operate a national clearinghouse of information for bilingual education, which shall collect, analyze, and disseminate information about bilingual education and such bilingual education and related programs.

Periodic consultation with State and local educational agencies and appropriate groups and organizations

(d) In carrying out their responsibilities under this section, the Commissioner and the Director shall provide for periodic consultation with representatives of State and local educational agencies and appropriate groups and organizations involved in bilingual education.

Authorization of appropriations

(e) There is authorized to be appropriated for each fiscal year prior to July 1, 1978, $5,000,000 to carry out the provisions of this section.

Section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d)

No person in the United States shall on grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Adult Education (20 S1205)

S1205. State plans; submission to Commissioner; required provisions; hearing

(a) Any State desiring to receive its allotment of Federal funds for any grant under this chapter shall submit through its State educational agency a State plan. Such State plan shall be in such detail as the Commissioner deems necessary, and shall--

(11) provide that special assistance be given to the needs of persons of limited English-speaking ability (as defined in section 880b-1(a) of this title), by providing bilingual adult education programs in which instruction is given in English and, to the extent necessary to allow such persons to progress effectively through the adult education program, in the native language of such persons, carried out in coordination with programs of bilingual education assisted under title VII of the Elementary and Secondary Education Act of 1965 and bilingual vocational education programs under the Vocational Education Act of 1963;

Bilingual Vocational Training (20 S1393)

S1393. Congressional findings

The Congress hereby finds that one of the most acute problems in the United States is that which involves millions of citizens, both children and adults, whose efforts to profit from vocational training is severely restricted by their limited English-speaking ability because they come from environments where the dominant language is other than English; that such persons are therefore unable to help to fill the critical need for more and better trained personnel in vital occupational categories; and that such persons are unable to make their maximum contribution to the Nation's economy and must, in fact, suffer the hardships of unemployment or underemployment. The Congress further finds that there is a critical shortage of instructors possessing both the job knowledge and skills and the dual language capabilities required for adequate vocational instruction of such language-handicapped persons, and a corresponding shortage of instructional materials and of instructional methods and techniques suitable for such instruction.

S1393a. General responsibilities of Commissioner and Secretary of Labor; consultations; regulations and guidelines; approval and consistency with other promulgations

(a) The Commissioner and the Secretary of Labor together shall--

(1) develop and disseminate accurate information on the status of bilingual vocational training in all parts of the United States;

(2) evaluate the impact of such bilingual vocational training on the shortages of well-trained personnel, the unemployment or underemployment of persons with limited English-speaking ability, and the ability of such persons to contribute fully to the economy of the United States; and

(3) report their findings annually to the President and Congress.

(b) The Commissioner shall consult with the Secretary of Labor with respect to the administration of this subchapter. Regulations and guidelines promulgated by the Commissioner to carry out this subchapter shall be consistent with those promulgated by the Secretary of Labor pursuant to section 871 of Title 29 and shall be approved by the Secretary of Labor before issuance.

S1393b. Authorization of appropriations

There are authorized to be appropriated $17,500,000 for the fiscal year ending June 30, 1975, to carry out the provisions of this subchapter.

S1393c. Authorization of grants and contracts; payments

(a) From the sums made available for grants under this subchapter pursuant to section 1393b of this title, the Commissioner is authorized to make grants to and enter into contracts with appropriate State agencies, local educational agencies, postsecondary educational institutions, private nonprofit vocational training institutions, and to other nonprofit organizations especially created to serve a group whose languages as normally used is other than English in supplying training in recognized occupations and new and emerging occupations, and to enter into contracts with private for-profit agencies and organizations, to assist them in conducting bilingual vocational training programs for persons of all ages in all communities of the United States which are designed to insure that vocational training programs are available to all individuals who desire and need such bilingual vocational training.

(b) The Secretary shall pay to each applicant which has an application approved under this subchapter an amount equal to the total sums expended by the applicant for the purposes set forth in that application.

S1393d. Uses of Federal funds

Grants and contracts under this subchapter may be used, in accordance with applications approved under section 1393f of this title, for--

(1) bilingual vocational training programs for persons who have completed or left elementary or secondary school and who are available for training by a postsecondary educational institution;

(2) bilingual vocational training programs for persons who have already entered the labor market and who desire or need training or retraining to achieve year-round employment, adjust to changing manpower needs, expand their range of skills, or advance in employment; and

(3) training allowances for participants in bilingual vocational training programs subject to the same conditions and limitations as are set forth in section 821 of Title 29.

S1393c. Applications--time and manner of submission; contents

(a) A grant or contract for assistance under this subchapter may be made only upon application to the Commissioner at such time, in such manner, and containing or accompanied by such information as the Commissioner deems necessary. Each such application shall--

(1) provide that the activities and services for which assistance under this subchapter is sought will be administered by or under the supervision of the applicant;

(2) set forth a program for carrying out the purposes described in section 1393d of this title; and

(3) set forth a program of such size, scope, and design as will make a substantial contribution toward carrying out the purposes of this subchapter.

Submission to State board or agency for comment; inclusion of comment

(b) No grant or contract may be made under this subchapter directly to a local educational agency or a postsecondary educational institution or a private vocational training institution or any other eligible agency or organization unless that agency, institution, or organization has submitted the application to the State board established under subchapter II of this chapter, or in the case of a State that does not have such a board, the similar State agency, for comment and includes the comment of that board or agency with the application.

S1393f. Application approval by Commissioner--Original applications; conditions

(a) The Commissioner may approve an application for assistance under this subchapter only if--

(1) the application meets the requirements set forth in subsection (a) of section 1393e of this title;

(2) in the case of an application submitted for assistance under this subchapter to an agency, institution, or organization other than the State board established under subchapter II of this chapter, the requirement of subsection (b) of section 1393e of this title is met; and

(3) in the case of an application submitted for assistance under this subchapter, the Commissioner determines that the program is consistent with criteria established by him, where feasible,

after consultation with the State board established under subchapter II of this chapter, for achieving equitable distribution of assistance under this subchapter within that State.

(b) An amendment to an application shall, except as the Secretary may otherwise provide, be subject to approval in the same manner as the original application.

Emergency Aid (20 S1607)

S1607. Special programs and projects; grant and contract authority; bilingual education; eligibility, program committee

(a) (1) Amounts reserved by the Assistant Secretary pursuant to section 1603(b) (2) of this title, which are not designated for the purposes of clause (A) or (B) thereof, or for section 1612 of this title shall be available to him for grants and contracts under this subsection.

(2) The Assistant Secretary is authorized to make grants to, and contracts with, State and local educational agencies, and other public agencies and organizations (or a combination of such agencies and organizations) for the purpose of conducting special programs and projects carrying out activities otherwise authorized by this chapter, which the Assistant Secretary determines will make substantial progress toward achieving the purposes of this chapter.

(3) The Assistant Secretary is authorized to make grants to, and contracts with, one or more private, nonprofit agencies, institutions, or organizations, for the conduct, in cooperation with one or more local educational agencies, of special programs for the teaching of standard mathematics to children eligible for services under this chapter through instruction in advanced mathematics by qualified instructors with bachelor degrees in mathematics, or the mathematical sciences from colleges or other institutions of higher education, or equivalent experience.

(b) (1) From not more than one-half of the sums reserved pursuant to section 1604(a) (3) of this title, the Assistant Secretary, in cases in which he finds that it would effectively carry out the purpose of this chapter stated in section 1601(b) of this title, may assist by grant or contract any public or private nonprofit agency, institution, or organization (other than a local educational agency) to carry out programs or projects designed to support the development or

implementation of a plan, program, or activity described in section 1605 of this title.

(2) From the remainder of the sums reserved pursuant to section 1604(a) (3) of this title, the Assistant Secretary is authorized to make grants to, and contracts with, public and private nonprofit agencies, institutions, and organizations (other than local educational agencies and nonpublic elementary and secondary schools) to carry out programs or projects designed to support the development or implementation of a plan, program, or activity described in section 1605 of this title.

(c) (1) The Assistant Secretary shall carry out a program to meet the needs of minority group children who are from an environment in which a dominant language is other than English and who, because of language barriers and cultural differences, do not have equality of educational opportunity. From the amount reserved pursuant to section 1603(b) (2) (A) of this title, the Assistant Secretary is authorized to make grants to, and contracts with--

(A) private nonprofit agencies, institutions, and organizations to develop curricula, at the request of one or more educational agencies which are eligible for assistance under section 1605 of this title, designed to meet the special educational needs of minority group children who are from environments in which a dominant language is other than English, for the development of reading, writing, and speaking skills, in the English language and in the language of their parents or grandparents, and to meet the educational needs of such children and their classmates to understand the history and cultural background of the minority groups of which such children are members;

(B) local educational agencies eligible for assistance under section 1605 of this title for the purpose of engaging in such activities; or

(C) local educational agencies which are eligible to receive assistance under section 1605 of this title for the purpose of carrying out activities authorized under section 1606(a) of this title to implement curricula developed under clauses (A) and (B) or curricula otherwise developed which the Assistant Secretary determines meets the purposes stated in clause (A).

In making grants and contracts under this paragraph, the Assistant Secretary shall assure that sufficient funds from the amount reserved pursuant to section 1603(b) (2) (A) of this title remain available to provide for grants and contracts under clause (C) of this paragraph for implementation of such curricula as the Assistant Secretary determines meet the purposes stated in clause (A) of this paragraph. In making a grant or contract under clause (C) of this paragraph, the Assistant Secretary shall take whatever action is necessary to assure that the implementation plan includes provisions adequate to insure training of teachers and other ancillary educational personnel.

(2) (A) In order to be eligible for a grant or contract under this subsection--

(i) a local educational agency must establish a program or project committee meeting the requirements of subparagraph (B), which will fully participate in the preparation of the application under this subsection and in the implementation of the program or project and join in submitting such application; and

(ii) a private nonprofit agency, institution, or organization must (I) establish a program or project board of not less than ten members which meets the requirements of subparagraph (B) and which shall exercise policymaking authority with respect to the program or project and (II) have demonstrated to the Assistant Secretary that it has the capacity to obtain the services of adequately trained and qualified staff.

(B) A program or project committee or board, established pursuant to subparagraph (A) must be broadly representative of parents, school officials, teachers, and interested members of the community or communities to be served, not less than half of the members of which shall be parents and not less than half of the members of which shall be members of the minority group the educational needs of which the program or project is intended to meet.

(3) All programs or projects assisted under this subsection shall be specifically designed to complement any programs or projects carried out by the local educational agency under section 1605 of this title. The Assistant Secretary shall insure that programs of Federal financial assistance related to the purposes of this subsection are coordinated and carried out in a manner consistent with the provisions of this subsection, to the extent consistent with other law.

Public Library Services and Construction (20 S351(d))

S351d. State plans and programs

Provisions of plan

(b) A basic State plan under this chapter shall--
(4) set forth the criteria to be used in determining the adequacy of public library services in geographical areas and for groups of persons in the State, including criteria designed to assure that priority will be given to programs or projects which serve urban and rural areas with high concentrations of low-income families, and to programs and projects which serve areas with high concentrations of persons of limited English speaking ability (as defined in section 880b-1(a) of this title).

State Vocational Education Programs

S1262. Uses of federal funds--Authorized purposes for grants
(a) Grants to States under this subchapter may be used, in accordance with State plans approved pursuant to section 1263 of this title, for the following purposes:

(4) (A) vocational education for persons (other than handicapped persons defined in section 1248(6) of this title) who have academic, socioeconomic, or other handicaps that prevent them from succeeding in the regular vocational education program;
(B) vocational education for handicapped persons who because of their handicapping condition cannot succeed in the regular vocational education program without special educational assistance or who require a modified vocational education program;
(C) vocational education for students of limited English-speaking ability (as defined in section 880b-1(a) of this title) carried out in coordination with bilingual education programs under title VII of the Elementary and Secondary Education Act of 1965 and bilingual adult education programs under section 1205(a)(11) of this title;

National Defense Education Act (P.L.85-864, amended)

SEC. 303. (a) Any State which desires to receive payments under this part shall submit to the Commissioner, through its State educational agency, a State plan which meets the requirements of section 1004(a) and -

(1) sets forth a program under which funds paid to the State from its allotment under section 302(a) will be expended solely for projects approved by the State educational agency for (A) acquisition of laboratory and other special equipment (other than supplies consumed in use), including audio-visual materials and equipment, and printed and published materials (other than textbooks), suitable for use in providing education in science, mathematics, history, civics, geography, economics, industrial arts, modern foreign languages, English, or reading in public elementary or secondary schools, or both, (emphasis added) and of testgrading equipment for such schools and specialized equipment for audiovisual libraries serving such schools authorities, be used when available and suitable in providing education in other subject matter, and (B) minor remodeling of laboratory or other space used for such materials or equipment;

(2) sets forth principles for determining the priority of such projects in the State for assistance under this part and provides for undertaking such projects, insofar as financial resources available therefor make possible, in the order determined by the application of such principles;

(3) provides an opportunity for a hearing before the State educational agency to any applicant for a project under this part;

(4) provides for the establishment of standards on a State level for laboratory and other special equipment acquired with assistance furnished under this part;

(5) sets forth a program under which funds paid to the State from its allotment under section 302(b) will be expended solely for (A) expansion or improvement of supervisory or related services in public elementary and secondary schools in the field of science, mathematics, history, civics, geography, economics, industrial arts, modern foreign languages, (emphasis added) English, and reading, and (B) administration of the State plan; and

(6) sets forth any requirements imposed upon applicants for financial participation in projects assisted under this part, including any provision for taking into account, in such requirements, the resources available to any applicant for such participation relative to the resources for participation available to all other applicants.

(b) The Commissioner shall approve any State plan and any modification thereof which complies with the provisions of subsection (a).

SEC. 305. From the sum reserved for each fiscal year for the purposes of this section under the provisions of section 302(a), the Commissioner is authorized to make loans to private nonprofit elementary and secondary schools (emphasis added) in any State. Any such loan shall be made only for the purposes for which payments to State educational agencies are authorized under the first sentence of section 301, and -

(1) shall be made upon application containing such information as may be deemed necessary by the Commissioner;

(2) shall be subject to such conditions as may be necessary to protect the financial interest of the United States;

(3) shall bear interest at the rate arrived at by adding one-quarter of 1 per centum per annum to the rate which the Secretary of the Treasury determines to be equal to the current average market yield on outstanding marketable obligations of the United States with redemption periods to maturity comparable to the average maturities of such loans as computed at the end of the fiscal year next preceding the date the application for the loan is approved and by adjusting the result so obtained to the nearest one-eighth of 1 per centum; and

(4) shall mature and be repayable on such date as may be agreed to by the Commissioner and the borrower, but such date shall not be more than ten years after the date on which such loan was made.

STATE STATUTORY PROVISIONS

Alabama

Note: 1. No change.

Statutory Provisions: Alabama Code, Title 52, S498 (1958)

English shall be the only language employed in teaching in the first six grades of the elementary schools in the state.

Section 299, Title 52.

Definition of terms used in chapter: The terms private school, denominational school, and parochial school, as used in the preceding section shall mean and only include such schools as hold a certificate issued by the state superintendent of education, showing that such school conforms to the following requirements, namely: a)....b) Instruction shall be offered in the several branches of study required to be taught in the public schools of this state; c) The English language shall be used in giving instructions; and d)....

Alaska

Note: 1. S14.08.160, S14.08.170, S14.40.117 enacted.

Section 14.08.160. Bilingual education.

a) A state-operated school which is attended by at least 15 pupils whose primary language is other than English shall have at least one teacher who is fluent in the native language of the area where the school is located. Written and other educational materials, when language is a factor, shall be presented in the language native to the area.

b) The board of directors shall promulgate regulations to carry out the purposes of this section.

Section 14.08.170. Bilingual education fund.

There is in the State-Operated School System a bilingual education fund which is an account in the general fund to receive money appropriated by the legislature for bilingual education and to be used for bilingual educational program implementation.

Alaska

Section 14.40.117. Establishment of Alaska Native Language Center

The university shall establish an Alaska Native Language Center, the purposes of which are to:

(1) study languages native to Alaska;
(2) develop literacy materials;
(3) assist in the translation of important documents;
(4) provide for the development and dissemination of Alaska Native literature; and
(5) train Alaska Native language speakers to work as teachers and aides in bilingual classrooms.

Arizona

Note: 1. Article 10 S15-1098 amended.

From Article XX - Ordinance, State Constitution.

The following ordinance shall be irrevocable without the consent of the United States and the people of this state:

Seventh: Provisions shall be made by law for the establishment and maintenance of a system of public schools which shall be open to all the children of the State and be free from sectarian control, and said schools shall always be conducted in English.

Thirteenth: This ordinance is hereby made a part of the Constitution of the State of Arizona, and no future Constitutional amendment shall be made which in any manner changes or abrogates this ordinance in whole or in part without the consent of Congress.

Section 15-202, Arizona Revised Statutes, is amended to read: 15-202 Conducting of public schools in English language, bilingual instruction.

A. All schools shall be conducted in the English language, except special classes as provided in subsection B of this section.

B. In the first three grades of any common school district where there are pupils who have difficulty in writing, speaking or understanding the English language because they are from an environment wherein another language is spoken primarily or exclusively, the district may provide special programs of bilingual instruction to the extent deemed necessary to improve or accelerate the comprehension and speech of the English language by such pupils.

Article 10. Bilingual Instruction and Special English Training

Section 15-1097. Special education programs.

A. There shall be special educational programs to carry out the provisions of this article subject to certification by the state superintendent of public instruction and pursuant to the rules and regulations prescribed by the state board of education relating to the administration of this article.

B. The state board of education shall establish:

(1) Testing standards and qualification requirements for students to qualify for each grade level under this article prior to and after completion of each program.

(2) Minimum qualifications for instructors to teach under this article.

(3) That schools seeking support under this article have suitable facilities.

Section 15-1098. Powers of the governing body of a school district; programs.

A. The governing body of a school district may:

(1) Provide a special course of instruction for common school pupils, not to exceed an accumulated period of four years per pupil, to expand the minimum curriculum and satisfy district goals and objectives.

(2) Provide a special course of instruction for common school children who are having difficulty in speaking or understanding the English language. This special instruction in the English language shall be in addition to the regular course of instruction prescribed in all school districts.

(3) Employ special bilingual teachers for the operation of special classes of oral English in instruction or bilingual education.

(4) In cooperation with another district or districts, establish special classes of oral English or bilingual instruction for children who are having difficulty with the English language, or children who come from environments where the dominant language is other than English.

B. If the governing body of a school district complies with the provisions contained in this article, the special class or classes may be conducted by the school district in a classroom or school facility owned and maintained by the school district, or the school district may contract with other public agencies, within or without the district, for the use of facilities in which to further the education of children who are having difficulty with oral English language, or children who come from environments where the dominant language is other than English.

C. The governing body of a school district which provides a special course authorized in subsections A and B shall prepare an annual report which explains the program conducted by the district, the funds expended and for what purposes such funds were used during the preceding fiscal year. The report shall include plans for the ensuing fiscal year. The report shall be presented to the state superintendent of public instruction, who shall present all such reports and his recommendations to the legislature during January of each year.

D. For the purposes of this article, "bilingual instruction" means instruction through the media of English and another language for understanding, speaking, reading and writing.

Section 15-1099. Appropriation and apportionment; approval of program.

A. Those students who qualify for a special program of instruction under this article shall receive an appropriation by the legislature apportioned in accordance with the provisions of S15-1212 to each school district providing special education classes under the provisions of this article an amount specified by the superintendent of public instruction but not exceeding fifty dollars per unit average daily membership per annum per program for each special education student taught by the district, and this appropriation shall be made on an actual per capita per annum basis as shown by the records of the superintendent of public instruction. The apportionment made pursuant to this section shall be in addition to the entitlement to state aid computed pursuant to chapter 16, article 1.

B. The appropriation shall be computed with reference to the estimated number of special education students as provided in S15-1097 to be taught during the current year for common schools, in classes having a minimum of not less than one hundred twenty minutes nor more than three hundred sixty minutes of instruction per school day.

C. The appropriations and apportionment provided under the terms of this section shall not be granted to the governing body of a school district unless the district complies with the provisions of this article and the conditions and standards prescribed by the superintendent of public instruction pursuant to the rules and regulations of the state board of education. A school district program for education of children having difficulty with oral English or children who come from environments where the dominant language is other than English, shall be presented to the state board of education for approval.

D. Funds provided under the terms of this section shall be allocated for all eligible students in grades one through four prior to the allocation of remaining funds to the eligible students in grades five through eight.

E. Per capita appropriations made pursuant to this section shall not be included in the budget cost level of a school district.

Arkansas

Note: 1. No change.

Section 80-1605, Arkansas Statutes:

The basic language of instruction in the common school branches in all the schools of the State, public and private, shall be the English language only. It shall be the duty of the Commissioner of Education, county superintendent [school supervisor] and city superintendents to see that the provisions of this section are carried out. Any person violating the provisions hereof shall be deemed guilty of a misdemeanor and upon conviction shall be fined not to exceed twenty-five [$25.00] dollars, payable into the general school fund of the county. Each day such violation occurs shall be considered a separate offense.

California

Note: 1. Kloss omitted S6457, enacted on July 13, 1965.
2. Chapter 5.7, S25517.5 and S13273.5 enacted.

Section 71. Education Code:

Section 1. Section 71 of the Education Code is amended to read: 71. English shall be the basic language of instruction in all schools.

The governing board of any school district and any private school may determine when and under what circumstances instruction may be given bilingually.

It is the policy of the state to insure the mastery of English by all pupils in the schools; provided that bilingual instruction may be offered in those situations when such instruction is educationally advantageous to the pupils. Bilingual instruction is authorized to the extent that it does not interfere with the systematic, sequential, and regular instruction of all pupils in the English language.

Pupils who are proficient in English and who, by successful completion of advanced courses in a foreign language or by other means, have become fluent in that language may be instructed in classes conducted in that foreign language.

Section 8705 and 8706, California School Code (1965).

8705 - Credit shall be given for purposes of the course of study requirements prescribed by school district governing boards or other authorities having jurisdiction for grades 9 through 14, inclusive, to courses in foreign languages in private schools on the basis of their being at least equivalent to those which would be required for the student in a foreign language class in the same grade level in the public schools. The State Board of Education shall adopt rules and regulations prescribing standards and conditions pursuant to which credit shall be given for those purposes to students in the public schools who have successfully completed foreign language studies in private schools.

8706 - The provisions of Section 8705 giving credit for foreign language courses given in private schools shall apply to courses in the following languages: Chinese, French, German, Greek (classical and modern), Hebrew (classical and modern), Italian, Japanese, Jewish (Yiddish), Latin, Spanish and Russian, and such other languages as the State Board of Education shall designate.

California

Section 6457. Comprehensive compensatory education plan for each school district.

Each application of a local school district for federal funds or state funds shall include a comprehensive compensatory education plan which shall demonstrate that the district has fully utilized all other sources of funds, and the assistance of all volunteer aid offered by individuals and public and private organizations providing assistance for similar educational endeavors, and has effectively coordinated the same. This plan should emphasize a preventive program aimed at the child between the ages of three years and eight years, and have an ultimate goal of teaching the child to read, awakening the school interest in learning, giving the child a sense of success in school achievement, preventing the child's alienation from the school, and preventing his possible early departure from school. It shall also include remedial programs for older children. Expenditures should be directed to schools with large concentrations of educationally disadvantaged children. If the situation involves disadvantaged children who speak English as a second language, any programs should include early English language instruction, and the use of teachers, teachers' aides or volunteers who are proficient in the child's primary language, and in-service training for teachers in that language.

Section 13273.5. Sojourn certificated employees; bilingual and foreign language instruction.

The governing board of a school district may, for the purposes of providing bilingual instruction, foreign language instruction, or cultural enrichment in the schools of the district, subject to the rules and regulations of the State Board of Education and notwithstanding anything to the contrary in Article 2 (commencing with Section 1940) of Chapter 2 of Part 7 of Division 2 of the Labor Code, conclude arrangements with the proper authorities of any foreign country, or of any state, territory, or possession of the United States, for the hiring of bilingual teachers employed in public or private schools of any foreign country, state, territory, or possession. To be eligible for employment, the teacher must speak English fluently. Any persons so employed pursuant to this section shall be known as a "sojourn certified employee".

No person may be hired as a sojourn certified employee by a school district unless he holds the necessary valid credential or credentials issued by the Commission for Teacher Preparation and Licensing authorizing him to serve in a position requiring certification qualifications in the school district proposing to employ him. Such person may be employed only for a period not to exceed two years, except that thereafter such period of employment may be extended from year to year for a total period of not more than five

years upon verification by the employing district that termination of such employment would adversely affect an existing bilingual or foreign language program or program of cultural enrichment and that attempts to secure the employment of a certificated California teacher qualified to fill such position have been unsuccessful. The commission shall establish minimum standards for the credentials for sojourn certificated employees.

Section 25519.5. Bilingual, bicultural teacher assisting.

The governing board of each community college district may offer a course of study leading to an associate in arts degree in bilingual, bicultural teacher assisting. The curriculum may include courses of study in bilingual, bicultural education and practicum in bilingual, bicultural teacher assisting.

Chapter 5.7. The Bilingual Education Act of 1972.

Section 5761. Legislative findings; purpose.

The Legislature finds that there are large numbers of children in this state who come from families where the primary language is other than English. To determine more exactly the need in this area, an annual census is necessary. The inability to speak, read and comprehend English presents a formidable obstacle to classroom learning and participation which can be removed only by instruction and training in the pupils' dominant language. In many of the public schools, an inordinately high percentage of pupils are unable to speak the English language. The Legislature further recognizes that high quality bilingual programs in the public schools would allow the acquisition by students of educational concepts and skills needed to improve the development of human resources in this state. The Legislature finds and declares that a primary goal of such programs is, as effectively and efficiently as possible, to develop in each child fluency in English so that he may then be enrolled in the regular program in which English is the language of instruction.

The Legislature further recognizes that to achieve its intent and purpose it will be necessary to provide means and incentives to train and employ bilingual education teachers and paraprofessional personnel, and to stimulate the hiring of such personnel. It is the intent of the Legislature that public institutions of higher learning shall train bilingual personnel to meet the needs of school districts.

California

It is the purpose of this chapter to allow public schools of the State of California which choose to participate to establish bilingual education programs. The primary goals of such programs shall be to develop competence in two languages for all participating pupils, to provide positive reinforcement of the self-image of participating children, and to develop intergroup and intercultural awareness among pupils, parents and the staff in participating school districts. Insofar as the individual pupil is concerned, pupil participation is voluntary on the part of the parent. It is the intent of the Legislature to provide supplemental financial assistance to help school districts to meet most of the special costs of phasing in bilingual education programs.

Section 5761.1 Rules and regulations.

The State Board of Education shall adopt all rules and regulations necessary for the effective administration of this chapter.

Section 5761.2 Definitions.

(a) "Bilingual education" is the use of two languages, one of which is English, as a means of instruction in any subject or course. It is a means of instruction in which concepts and information are introduced in the dominant language of the student and reinforced in the second language. It recognizes that teaching of language skills is most meaningful and effective when presented in the context of an appreciation of cultural differences and similarities.

(b) "Children of limited English-speaking ability" are defined as children who speak a language other than English in their home environment and who are less capable of performing school work in English than in their primary language.

(c) A "non-English-speaking child" is a child who communicates in his or her home language only. Such child is unable to conduct basic conversations in English or take advantage from classroom instruction in English.

(d) "Primary language" is a language other than English which is the language which the child first learned or the language which is spoken in the child's home environment.

(e) "Bilingual teacher" means a teacher fluent in both English and the primary language of the limited English-speaking pupils in a bilingual program. Such a teacher need not be certified to teach in both languages, and may be exempted from other certification requirements as set out in Section 5764.

(f) "Bilingual aide" means an aide fluent in both English and the primary language of the limited English-speaking pupils in a bilingual program.

(g) "Board" means the State Board of Education.

(h) "Superintendent" means the Superintendent of Public Instruction.

(i) "Project" means an organized undertaking in bilingual education which includes, but is not limited to (1) a description of the undertaking, (2) a listing of the goals and objectives to be achieved, (3) a statement of the teaching methods to be used, and (4) a statement of the methods to be used in evaluating the success of the project.

Section 5761.3. Children of limited-English-speaking ability; census.

Each school district shall ascertain, not later than the first day of March of each year, under regulations prescribed by the State Board of Education, the number of children of limited-English-speaking ability within their school system, and shall classify them according to their primary language. Those children who are non-English-speaking shall be counted separately. The results of this consensus shall be reported to the Department of Education by the first day of April of each year.

Section 5761.4. Instructional assistance for non-English-speaking children.

Each non-English-speaking child shall receive assistance from the school district which he attends. This instructional assistance shall be provided in any manner approved by the local board of education. This section shall not be construed to require participation by any school district in the bilingual program established by this chapter.

Section 5761.5 Need assessment for bilingual program.

Each participating school district shall prepare a determination of what actually exists, in terms of educational achievement levels in a given school district and the subsequent need for a bilingual program. This determination is a "need assessment". The need assessment shall be verified by a school district advisory committee composed of parents of potential participants in the bilingual program.

California

Section 5761.6. Project; components; establishment by school districts wishing to participate.

Each school district which wishes to participate shall write a project on forms provided by the Department of Education, with the following components: (a) identified goals for bilingual education as determined by the local need assessment, (b) the identification of objectives for the attainment of these goals (the objectives to be stated in measurable terms), (c) a description of how the student is to demonstrate the knowledge or skill to be achieved, (d) the level of performance which will be accepted, (e) a management plan to organize, coordinate and monitor with distinctly outlined plans that will ensure success in the bilingual program, (f) teacher and aide preservice training which will identify and improve knowledge levels of each teacher and aide in teaching methodology, and bilingual philosophy and education, (g) an in-service training program for teachers and aides that is linked with an institution of higher education, which shall include the establishment of a liaison with a nearby institution of higher education and the solicitation of help from such institution in order to continually upgrade the bilingual educational program, (h) a parent-teacher communications plan, (i) a plan for the gradual assumption of the costs of the bilingual program by the district.

Section 5761.7. Articulated sequential program of instruction in bilingual education by participating school districts.

Each participating school district shall have an articulated sequential program of instruction in bilingual education, designed to develop competence in English and in the primary language of the limited-English-speaking participants. Such sequential program shall include criteria, developed with the assistance of the Department of Education, for the placement and removal of pupils in a bilingual program.

Section 5761.8. Evaluation of children in bilingual program.

At the beginning of each school year, the district shall evaluate each child to be placed in a bilingual program. His strengths and weaknesses in English and in the second language of instruction shall be assessed. At least annually, there shall be submitted to the Department of Education an evaluation of the children's progress, including, but not limited to, reading comprehension and speaking skills, in English and the second language of instruction. Such evaluation shall be prepared in the form and manner prescribed by the Department of Education.

Section 5761.9, Bilingual classes; balance in number of children; language used in classes.

In bilingual classes established pursuant to this chapter, there shall be an approximate balance between the number of children whose primary language is other than English, and children proficient in English. Not more than two-thirds of the children enrolled in any such class shall be limited-English-speaking children.

Instruction shall be conducted in both English and in the primary language of the limited-English-speaking children.

Section 5762. Bilingual programs; application; approval.

All bilingual-bicultural programs which involve special state funding and all bilingual-bicultural programs which are financed by a combination of state funds and federal funds provided under Title VII of the Elementary and Secondary Education Act of 1965, as amended, shall be approved by the State Board of Education. This application shall be made on forms provided by the superintendent, in accordance with the rules and regulations adopted by the board. The dates for making application shall be established by the superintendent.

The governing boards of two or more school districts may jointly apply for a project in bilingual-bicultural education.

Section 5763. District-wide advisory committee; parent advisory group.

Each school district receiving state or federal funds for bilingual education shall establish a district-wide advisory committee in which parents (not employed by the district) of participating students shall constitute more than a simple majority, or shall designate for this purpose an existing district-wide advisory structure in which such parents constitute more than a simple majority. A parent advisory group in which parents of participating students shall constitute a simple majority shall be established, or designates from an existing parent group, at each school having a bilingual program.

The Department of Education shall develop guidelines for the process of selection of advisory group members.

Section 5764. Teachers

All teachers teaching classes funded by this chapter shall be bilingual teachers as defined in subdivision (e) of S5761.2.

In recognition of the shortage of qualified bilingual teachers, a district may, after diligent search and recruitment in California with the assistance of the Department of Education, request from the Superintendent of Public Instruction (a) waiver of certification requirements of such teachers, or (b) authorization to utilize for two years only, a monolingual teacher and bilingual aide or aides for classes funded under this chapter.

Section 5764.5. Department of Education; administration of chapter; duties.

The Department of Education shall administer the provisions of this chapter. The responsibilities of the Department of Education in administering this chapter shall include, but are not limited to, the following:

(a) To review proposals from school districts made in accordance with this chapter; and to recommend acceptable projects for approval by the board;

(b) To encourage experimentation and innovation in the field of bilingual education at the school, district and state levels;

(c) To foster the maximum practicable involvement of parents of children enrolled in bilingual classes;

(d) To make recommendations to districts in the areas of in-service training for teachers and teacher aides, curriculum, testing and testing mechanisms, and the development of materials for bilingual education classes;

(e) To develop and recommend to the Commission for Teacher Preparation and Licensing standards for the certification of teaching personnel for bilingual classes;

(f) To develop an annual evaluation of bilingual programs within the state for submission to the Legislature and to the Governor.

Section 5764.6. Authorized expenditures.

Funds allocated to school districts pursuant to this chapter may be used for the following purposes only:

(1) The employment of bilingual teacher aides;

(2) The purchase and development of special bilingual teaching materials;

(3) The costs of special in-service training and staff development with preference given to teachers and teacher aides employed as part of the bilingual program;

(4) Reasonable expenses (which may include transportation, child care, meals, and training) of parent advisory groups on bilingual education, at the school and district level;

(5) The purchase of special equipment to be used exclusively in the bilingual programs.

Chapter 5.75. Bilingual Teacher Corps Program

Section 5766. Legislative findings.

The Legislature finds and declares that it is in the best interests of the people of the state to have a corps of bilingual teachers and school administrators who are highly skilled in the techniques of teaching limited-and non-English-speaking children, and who understand the particular needs of such children.

The Legislature further finds and declares that in order to provide limited- and non-English-speaking children with an equal educational opportunity it is necessary to have adequately prepared teachers and school administrators who understand the needs of such children.

Section 5766.1. Teacher candidates: stipend and training.

The Superindendent of Public Instruction shall establish a Bilingual Teacher Corps Program for the development of a corps of bilingual teachers qualified to meet the needs of the limited- and non-English-speaking children in the state. The program shall provide a stipend of one thousand five hundred dollars ($1,500) per year, plus necessary expenses, to individuals serving as teaching aides providing direct instructional services in a public school classroom while such individuals are pursuing an educational program approved by the Department of Education directed toward a teaching credential in a cooperating institution of higher education. Such stipends shall supplement not supplant other state and federal student financial aid programs.

The Superintendent of Public Instruction may enter into contracts with local educational agencies and the California State University and Colleges for the training of these teacher candidates.

The State Board of Education shall adopt rules and regulations for the administration of the Bilingual Teacher Corps Program.

Section 5766.2. Annual report.

The Superintendent of Public Instruction shall report to the Legislature annually for the duration of the program. Such report shall include the methods of recruitment of the corps members, the number of corps members, an evaluation of the experience provided to corps members and the number of limited- and non-English-speaking children served by the corps members.

Chapter 5.77. Bilingual-Crosscultural Teacher Preparation and Training Act of 1973.

Section 5768. Legislative intent.

The Legislature recognizes that there are several hundred thousand California schoolchildren whose primary languages are not English. These children have shown their ability to perform in bilingual-crosscultural classes and large amounts of money are now available to expand the number of bilingual classrooms. The Legislature recognizes, furthermore, that there is an insufficient number of qualified bilingual-bicultural teachers to staff present projects, and that many more such teachers will be needed as the new projects are established. It is, therefore, the intent of this chapter to establish programs designed to rapidly produce teachers who are fully bilingual, who are sensitive to cultural differences and knowledgeable about the origins of such differences, who can serve as models for these children to emulate, and who will qualify for credentials in bilingual-crosscultural education. Bilingual-bicultural teacher aides and the presently under-utilized certificated teacher force shall be primary manpower sources for this program.

Section 5768.2. Status report.

The Commissioner for Teacher Preparation and Licensing shall develop, on or before January 15th of each year, a status report on local, state, and federally funded bilingual-cross-cultural teacher preparation programs. Such report shall be made to the Legislature not later than February 15th of each year. The Board of Governors of the California Community Colleges, the Trustees of the California State University and Colleges, and the Regents of the University of California shall, by November 15th of each year, report to the Commissioner for Teacher Preparation and Licensing with reference to their programs in bilingual-crosscultural teacher training. Such report shall include information on special classes or programs leading to a bilingual-crosscultural teaching credential, pre-

service or inservice programs offered by these institutions to bilingual-bicultural teachers or teacher aides, and the number of persons enrolled in such programs.

Section 5768.4. Career ladder programs.

The Commission for Teacher Preparation and Licensing shall design career ladder programs which will allow bilingual teacher aides to become fully certificated bilingual teachers. This program shall provide grants for tuition and living expenses to needy applicants for part-time or full-time attendance at any public institution of higher education in California. Up to two years of credit toward credential requirements may be allowed for experience within the classroom as a teacher aide. The career ladder programs shall be adopted by regulations promulgated by the Commission for Teacher Preparation and Licensing and subject to S13117.2.

Section 5768.6. Curriculum for bilingual-crosscultural specialist credential.

The Commission for Teacher Preparation and Licensing shall, with the assistance of a representative appointed by the Superintendent of Public Instruction, the Chancellor of the California Community Colleges, the Chancellor of the California State University and Colleges, the President of the University of California, and with five presently practicing teachers appointed by the Superintendent of Public Instruction, design a comprehensive language and cultural curriculum for teachers who are already certificated. Such curriculum shall be designed to enable teachers to qualify for the bilingual-crosscultural specialist credential. Initial programs to assist in the development of this shall be offered at not less than five public institutions of higher education in California, beginning not later than September 1, 1974.

Section 5769. Bilingual Teacher Development Grant Program.

There is hereby established a Bilingual Teacher Development Grant Program. The Scholarship and Loan Commission shall administer the Bilingual Teacher Development Grant Program in accordance with general policies established by the Commission for Teacher Preparation and Licensing. Not less than 75 percent of the funds available for grants shall be awarded to bilingual aides participating in the career ladder program prescribed in S5768.4. Remaining funds shall be available to needy teachers who are enrolled in the curriculum prescribed in S578.6.

California

Section 5769.2. Establishment of recruitment and appointment policy.

The Board of Governors of the California Community Colleges, the Trustees of the California State University and Colleges, and the Regents of the University of California shall, within their respective systems, establish a policy of recruitment and appointment of professors of bilingual-crosscultural education by June 1, 1974.

Section 5769.4. Duties of Department of Education.

The Department of Education shall serve as a clearinghouse for bilingual-bicultural teaching personnel, and shall, upon request, assist school districts in the recruitment of such personnel.

The Department of Education shall prepare a five-year projection on the needs for bilingual-crosscultural teaching personnel, which shall be submitted to the Legislature by September 1, 1974, and may be updated annually thereafter.

Section 5769.6. Termination date.

This chapter shall be operative until July 1, 1979, and as of that date is repealed.

Colorado

Note: 1. No change.

Statutory Provision Concerning Public Education

Section 1, 123-21-3, Colorado Revised Statutes 1963, as amended in 1969 by Senate Bill 61:

Policy of state to instruct in English - exceptions. Instruction in the common branches of study in the public schools of this state shall be conducted principally through the medium of the English language; except that it shall be the policy of the state also to encourage the school districts of the state to develop bilingual skills and to assist pupils whose experience is largely in a language other than English to make an effective transition to English, with the least possible interference in other learning activities.

Connecticut

Note: 1. Sec. 10-17 amended.
2. Sec. 10-179 - 10d and 10-146F added.

Section 10-17. English language to be medium of instruction. Exception.

The medium of instruction and administration in all public and private elementary schools shall be the English language, except that instruction as provided in sections 10-17a and 10-17b may be given in any language other than English to any pupil who, by reason of foreign birth, ancestry or otherwise, experiences difficulty in reading and understanding English.

Section 10-17a. Establishment of bilingual and bicultural program.

Any board of education may establish at any level of instruction a bilingual and bicultural program of study involving a culture in which a language other than English is predominantly spoken, provided the purpose of such program shall be to enable children to become proficient in English. A private school may, with the approval of the state board of education, establish such a program of bilingual education.

Section 10-17b. Instruction bilingually and biculturally; procedures, materials and equipment; purpose.

Each board of education shall determine when instruction shall be given bilingually and biculturally. Said board, with the aid of the state board of education, shall design the procedures and acquire the training materials and equipment that such local board of education deems necessary to meet the special educational needs of children of limited English-speaking ability. Such programs may include, but shall not be limited to, components designed to accomplish the following:

(a) To provide bilingual instruction so that the student will gain competence in both English and such student's language;

(b) To import a knowledge of the history and culture associated with the student's language;

(c) To establish closer cooperation between the school and the home;

(d) To provide bilingual and bicultural early childhood educational programs designed to improve the potential for profitable learning activities by such children;

(e) To provide bilingual and bicultural adult education programs for parents of children participating in programs under this act;

(f) To provide such programs designed for dropouts or potential dropouts having need of them.

(g) To provide such programs in trade, vocational or technical schools; and

(h) To provide other activities deemed desirable to further the purposes of section 10-17 and sections 10-17a-17d, inclusive.

Section 10-17c. Advice and assistance of state board. Evaluation of programs.

(a) In areas with large concentrations of non-English-speaking persons the state board of education shall advise and assist the board of education of the school district to make said programs available to all students.

(b) The state board of education shall annually evaluate the programs conducted under sections 10-17 to 10-17d, inclusive, and shall on or before February first annually report such evaluations to the general assembly.

Section 10-17d. Application for and receipt of federal funds.

Subject to the regulations adopted by the state board of education pursuant to section 10-11, each board of education of a school district shall have the power to apply for and to receive federal funds made available directly to local communities for the programs provided in section 10-17 and sections 10-17a to 10-17d, inclusive.

Article IX

Section 10-14f. Waiver of certification requirements for bilingual teachers.

(a) As used in this section (1) "Provisional teaching certificate" means the initial license to teach issued to a person who meets in full the preparation requirements of the state board of education; (2) "standard teaching certificate" means a license to teach issued to one who has held a provisional certificate after three years of successful teaching experience and the completion of postgraduate study required by the said board; (3) a bilingual-bicultural program is one designed for the education of persons who speak a native language other than English; (4) bilingual means the ability to use two languages fluently.

(b) A town board of education or regional board of education may request the state board of education for a waiver of certification requirements for a provisional teacher certificate for a teacher who is to teach full-time in a bilingual-bicultural program, provided such board shall have made a reasonable search without success for a certified teacher, capable of teaching bilingually. Such request shall certify that such teachers: (1) will teach only in bilingual bicultural program; (2) is bilingual in the language used in such program and in English; (3) demonstrates experience, knowledge, or proficiency in the areas in which such teacher is to teach; (4) is of good moral character; (5) has had experience in working with non-English-speaking persons; (6) has taught or has other experience or qualifications which the town or regional board of education accepts as equivalent to teaching experience; (7) will receive special attention, in the form of supervision and other assistance by qualified persons. The state board of education shall, upon receipt of such request, waive all initial certification requirements for such teacher, provided that the applicant has graduated from a four-year course of study at a post-secondary institution. In the event such institution was not located in the United States, it shall be necessary that the commission for higher education certify that such study is the equivalent of a baccalaureate degree in the United States. Such state board shall waive only the requirements for a provisional teaching certificate, and other such teacher shall be required to fulfill all other requirements for a standard certificate. Any teacher employed by such board as if such teacher were a regularly cerified teacher, and shall receive the salary and other benefits of such teachers.

Delaware

Note: 1. Kloss omitted S122.65 (enacted circa 1920)

Section 122. Rules and Regulations . . . .

(b) The Board shall prescribe rules and regulations:

(5) Determining the minimum courses of study for all public elementary schools and all public high schools of the State, including provisions that all elementary school subjects be taught in the English language in all schools in the State, and requiring that all pupils of all public elementary schools and all public high schools of the State be instructed in physiology and hygiene with special reference to the effects of alcoholic drinks, stimulants and narcotics upon the human system;

Note: 1. S236.081(7) (b) (1) enacted.

Florida Statutes Annotated S236.081:

(7) Categorical programs.

The Legislature hereby provides for the establishment of selected categorical programs to assist in the development and maintenance of activities giving indirect support to the programs previously funded. These categorical appropriations may be funded as general and transitional categorical programs. It is the intent of the Legislature that no transitional categorical program shall be funded for more than four (4) fiscal years from the date of original authorization or the effective date of this act whichever is last. Such programs are as follows:

(a) General.

1. Capital outlay as provided by law.

2. Community schools as provided by law.

3. Educational leadership training act programs as provided by law.

4. School lunch programs for the needy as provided by law.

5. Textbooks as provided by law.

6. Vocational improvement fund as provided by law.

(b) Transitional.

1. Bilingual program as provided by law.

2. Driver education as provided by law.

3. Elementary school counselors as provided by law.

4. Occupational and placement specialists as provided by law.

5. Safe schools program as provided by law.

Georgia

Note: 1. No change.
2. No statutory or constitutional provision.

Hawaii

Note: 1. No change.
2. No statutory or constitutional provision.

Idaho

Note: 1. No change.

Idaho Code 33-1601. Instruction in English language.

Instruction in all subjects in the schools, except that required for the teaching of foreign languages, shall be conducted in the English language.

Illinois

Note: 1. Section 10-20, 8a repealed.
2. Section 2-3.39, Section 3-15.12, Section 10-22.8a, Section 14-9.01, Art. 14C, Section 34-18.2 enacted.

Ch. 122, Section 27-2, Illinois Statutes 1967.

27-2. Instruction in English language. Instruction in the elementary branches of education in all schools shall be in the English language except in vocational schools where the pupils have already received the required instruction in English during the current school year.

Illinois Revised Statutes Ch. 122 Section 2-3.39.

Section 2-3.39. Department of Transitional Bilingual Education.

To establish a Department of Transitional Bilingual Education to be operative within three months after the effective date of this amendatory Act of 1973. In selecting staff for the Department of Transitional Bilingual Education, the Superintendent shall give preference to persons who are natives of foreign countries where languages to be used in transitional bilingual education programs are the predominant languages. The Department of Transitional Bilingual Education has the power and duty to:

(1) Administer and enforce the provisions of Article 14C of this Code including the power to promulgate any necessary rules and regulations.

(2) Study, review and evaluate all available resources and programs that, in whole or in part, are or could be directed towards meeting the language capability needs of children and adults of limited English-speaking ability residing in the State.

(3) Gather information about the theory and practice of bilingual education in this State and elsewhere, to encourage experimentation and innovation in the field of bilingual education.

(4) Provide for the maximum practical involvement of parents of bilingual children, transitional bilingual education teachers, representatives of community groups, educators, and laymen knowledgeable in the field of bilingual education in the formulation of policy and procedures relating to the administration of Article 14C of this Code.

(5) Consult with other public departments and agencies, including, but not limited to, the Department of Community Affairs, the Department of Public Welfare, the Division of Employment Security, the Commission Against Discrimination, and the United States Department of Health, Education, and Welfare in connection with the administration of Article 14C of this Code.

(6) Make recommendations in the areas of preservice and inservice training for transitional bilingual education teachers, curriculum development, testing and testing mechanisms, and the development of materials for transitional bilingual education programs.

(7) Undertake any further activities which may assist in the full implementation of Article 14C of this Code and to make an annual report to the General Assembly to include an evaluation of the program, the need for continuing such a program, and recommendations for improvement.

Illinois

Illinois Revised Statutes Ch. 122 S3-15.12.

Section 3-15.12. High School Equivalency Testing Program.

> The superintendent of an educational service region shall make available for qualified individuals residing within the region a High School Equivalency Testing Program.... Any test administered under this Section to an applicant who does not speak and understand English may at the discretion of the administering agency be given and answered in any language in which the test is printed.

Illinois Revised Statutes, Ch. 122 S10-22.

Section 10-22. Powers of board.

> The School Board shall have the powers enumerated in Section 10-22.1 through 10-22.45.

Section 10-22.38a. Bilingual programs.

> To provide programs in a language other than English for those children whose first language is other than English, subject to the approval of the Superintendent of Public Instruction pursuant to Article 14C of the School Code. Upon approval of the program, the School Board shall be entitled to payment from the State of Illinois for the services and materials required.

Illinois Revised Statutes, Ch. 122 S14-8.01.

Section 14-8.01. Supervision of special education buildings and facilities.

> Supervision of special education buildings and facilities. All special educational facilities, building programs and housing shall be under the supervision of and subject to the approval of the Superintendent of Public Instruction. The Superintendent of Public Instruction with the advice of the Advisory Council shall prescribe the standards and make the necessary rules and regulations including, but not limited to, establishment of classes, training requirements of teachers and other personnel, eligibility and admission of pupils, the curriculum, class size limitation, building programs, housing, transportation, special equipment and instructional supplies, and the applications for claims for reimbursement.
>
> The Superintendent of Public Instruction shall make rules for and shall be responsible for determining the eligibility of children to receive special education....
>
> No child who comes from a home in which a language other than English is the principal language used may be assigned to any class or program under this Article until he has been

given, in the principal language used in his home, tests reasonably related to his cultural environment.

Illinois Revised Statutes, Ch. 122, Art. 14C

Article 14C. Transitional Bilingual Education.

Section 14C-1.

The General Assembly finds that there are large numbers of children in this State who come from environments where the primary language is other than English. Experience has shown that public school classes in which instruction is given only in English are often inadequate for the education of children whose native tongue is another language. The General Assembly believes that a program of transitional bilingual education can meet the needs of these children and facilitate their integration into the regular public school curriculum. Therefore, pursuant to the policy of this State to insure equal educational opportunity to every child, and in recognition of the educational needs of children of limited English-speaking ability, and in recognition of the success of the limited existing bilingual programs conducted pursuant to Sections 10-22.38a and 34-18.2 of The School Code, it is the purpose of this Act to provide for the establishment of transitional bilingual education programs in the public schools, and to provide supplemental financial assistance to help local school districts meet the extra costs of such programs.

Section 14C-2. Definitions.

Unless the context indicates otherwise, the terms used in this Article have the following meanings:

(a) "Superintendent's Office" means the Office of the Superintendent of Public Instruction;

(b) "Certification Board" means the State Teacher Certification Board;

(c) "School District" means any school district established under this Code;

(d) "Children of limited English-speaking ability" means (1) children who were not born in the United States whose native tongue is a language other than English and who are incapable of performing ordinary classwork in English; and (2) children who were born in the United States of parents possessing no or limited English-speaking ability and who are incapable of performing ordinary classwork in English;

(e) "Teacher of transitional bilingual education" means a teacher with a speaking and reading ability in a language other than English in which transitional bilingual education is offered and with communicative skills in English;

(f) "Program in transitional bilingual education" means a full-time program of instruction (1) in all those courses or subjects which a child is required by law to receive and which are required by the child's school district which shall be given in the native language of the children of limited English-speaking ability who are enrolled in the program and also in English, (2) in the reading and writing of the native language of the children of limited English-speaking ability who are enrolled in the program and in the oral comprehension, speaking, reading and writing of English, and (3) in the history and culture of the country, territory or geographic area which is the native land of the parents of children of limited English-speaking ability who are enrolled in the program and in the history and culture of the United States; or a part-time program of instruction based on the educational needs of those children of limited English-speaking ability who do not need a full-time program of instruction.

Section 14C-2.1

School boards of any school districts that maintain a recognized school, whether operating under the general law or under a special charter, may until June 1, 1976, depending on available state aid, and shall thereafter, subject to any limitations hereinafter specified, establish and maintain such transitional bilingual programs as may be needed for children of limited English-speaking ability as authorized by this Article.

Section 14C-3. Language classification of children - Establishment of program - Period of participation - Examination.

Each school district shall ascertain, not later than the first day of March, under regulations prescribed by the Superintendent's Office, the number of children of limited English-speaking ability within the school district, and shall classify them according to the language of which they possess a primary speaking ability, and their grade level, age or achievement level.

When, at the beginning of any school year, there is within an attendance center of a school district not including children who are enrolled in existing private school systems, 20 or more children of limited English-speaking ability in any such language classification, the school district shall establish, for each classification, a program in transitional

bilingual education for the children therein; provided, however, that a school district may establish a program in transitional bilingual education with respect to any classification with less than 20 children therein.

Every school-age child of limited English-speaking ability not enrolled in existing private school systems shall be enrolled and participate in the program in transitional bilingual education established for the classification to which he belongs by the school district in which he resides for a period of three years or until such time as he achieves a level of English language skills which will enable him to perform successfully in classes in which instruction is given only in English, whichever shall first occur.

A child of limited English-speaking ability enrolled in a program in transitional bilingual education may, in the discretion of the school district and subject to the approval of the child's parent or legal guardian, continue in that program for a period longer than three years.

An examination in the oral comprehension, speaking, reading and writing of English, as prescribed by the Superintendent's Office, shall be administered annually to all children of limited English-speaking ability enrolled and participating in a program in transitional bilingual education. No school district shall transfer a child of limited English-speaking ability out of a program in transitional bilingual education prior to his third year of enrollment herein unless the parents of the child approve the transfer in writing, and unless the child has received a score on said examination which, in the determination of the Superintendent's Office, reflects a level of English language skills appropriate to his or her grade level.

If later evidence suggests that a child so transferred is still handicapped by an inadequate command of English, he may be re-enrolled in the program for a length of time equal to that which remained at the time he was transferred.

Section 14C-4. Notice of enrollment - Content - Rights of parents.

No later than 10 days after the enrollment of any child in a program in transitional bilingual education the school district in which the child resides shall notify by mail the parents or legal guardian of the child of the fact that their child has been enrolled in a program in transitional bilingual education. The notice shall contain a simple, nontechnical description of the purposes, method and content of the program in which the child is enrolled and shall inform the parents that they have the right to visit

transitional bilingual education classes in which their child is enrolled and to come to the school for a conference to explain the nature of transitional bilingual education. Said notice shall further inform the parents that they have the absolute right, if they so wish, to withdraw their child from a program in transitional bilingual education in the manner as hereinafter provided.

The notice shall be in writing in English and in the language of which the child of the parents so notified possesses a primary speaking ability.

Any parent whose child has been enrolled in a program in transitional bilingual education shall have the absolute right, either at the time of the original notification of enrollment or at the close of any semester thereafter, to withdraw his child from said program by providing written notice of such desire to the school authorities of the school in which his child is enrolled or to the school district in which his child resides; provided that no withdrawal shall be permitted unless such parent is informed in a conference with school district officials of the program.

Section 14C-5. Nonresident children - Enrollment and tuition-Joint programs.

A school district may allow a nonresident child of limited English-speaking ability to enroll in or attend its program in transitional bilingual education and the tuition for such a child shall be paid by the district in which he resides.

Any school district may join with any other school district or districts to provide the programs in transitional bilingual education required or permitted by this Article.

Section 14C-6. Placement of children.

Children enrolled in a program of transitonal bilingual education whenever possible shall be placed in classes with children of approximately the same age and level of educational attainment. If children of different age groups or educational levels are combined, the school district so combining shall ensure that the instruction given each child is appropriate to his or her level of educational attainment and the school district shall keep adequate records of the educational level and progress of each child enrolled in a program. The maximum student-teacher ratio shall be set by the Superintendent's Office and shall reflect

the special educational needs of children enrolled in programs in transitional bilingual education. Programs in transitional bilingual education shall, whenever feasible, be located in the regular public schools of the district rather than separate facilities.

Section 14C-7. Participation in extracurricular activities of public schools.

Instruction in courses of subjects included in a program of transitional bilingual education which are not mandatory may be given in a language other than English. In those courses or subjects in which verbalization is not essential to an understanding of the subject matter, including but not necessarily limited to art, music and physical education, children of limited English-speaking ability shall participate fully with their English-speaking contemporaries in the regular public school classes provided for said subjects. Each school district shall ensure to children enrolled in a program in transitional bilingual education practical and meaningful opportunity to participate fully in the extra-curricular activities of the regular public schools in the district.

Section 14C-8. Teacher certification - Qualifications - Issuance of certificates.

No person shall be eligible for employment by a school district as a teacher of transitional bilingual education unless he meets the requirements set forth in this Section. School districts shall give preference in employing transitional bilingual education teachers to those individuals who have the relevant foreign cultural background established through residency abroad or by being raised in a non-English environment. The Certification Board shall issue certificates valid for teaching transitional bilingual education to any person who presents it with satisfactory evidence that he (a) possesses an adequate speaking and reading ability in a language other than English in which transitional bilingual education is offered and communicative skills in English, and (b) possesses a current and valid teaching certificate issued pursuant to Article 21 of this Code or (c) possessed within one year previous to his applying for a certificate under this Section a valid teaching certificate issued by a foreign country, or other evidence of teaching preparation as may be determined to be sufficient by the Certification Board; provided that any person seeking a certificate under subsection (c) of this Section must meet the following additional requirements:

(1) Such person must be in good health;

(2) Such person must be of sound moral character;

(3) Such person must be legally present in the United States and possess legal authorization for employment;

(4) Such person must not be employed to replace any presently employed teacher who otherwise would not be replaced for any reason.

Certificates issuable pursuant to subsection (c) of this Section shall be issuable only during the two years immediately following the effective date of this Act, and shall be valid for a period of six years following their date of issuance. Such certificates and the persons to whom they are issued shall be exempt from the provisions of Article 21 of this Code except for Sections 21-12, 21-13, 21-16, 21-17, 21-19, 21-21, 21-22, 21-23 and 21-24.

Section 14C-9. Tenure - Minimum salaries.

Any person employed as a teacher of transitional bilingual education whose teaching certificate was issued pursuant to subsection (c) of Section 14C-8 of this Article shall have such employment credited to him for the purposes of determining under the provisions of this Code eligibility to enter upon contractual continued service; provided that such employment immediately precedes and is consecutive with the year in which such person becomes certified under Article 21 of this Code.

For the purposes of determining the minimum salaries payable to persons certified under subsection (c) of Section 14C-8 of this Article, such persons shall be deemed to have been trained at a recognized institution of higher learning.

Section 14C-10. Parent and community participation.

School districts shall provide for the maximum practical involvement of parents of children in transitional bilingual education programs. Each school district shall, accordingly, establish a parent advisory committee which affords parents the opportunity effectively to express their views and which ensures that such programs are planned, operated, and evaluated with the involvement of, and in consultation with, parents of children served by the programs. Such committees shall be composed of parents of children enrolled in transitional bilingual education programs, transitional bilingual education teachers, counselors, and representatives from community groups; provided, however, that a majority of each committee shall be parents of children enrolled in the transitional bilingual education program.

Section 14C-11. Preschool or summer school programs.

A school district may establish on a full or part-time basis preschool or summer school programs in transitional bilingual education for children of limited English-speaking ability or join with the other school districts in establish-

ing such preschool or summer programs. Preschool or summer programs in transitional bilingual education shall not substitute for programs in transitional bilingual education required to be provided during the regular school year.

Section 14C-12. Account of expenditures - Cost report - Reimbursement.

Each school district shall keep an accurate, detailed and separate account of all monies paid out by it for the programs in transitional bilingual education required or permitted by this Article including transportation costs, and shall annually report thereon for the school year ending June 30 indicating the average per pupil expenditure. Each school district shall be reimbursed for the amount by such costs exceed the average per pupil expenditure by such school district for the education of children of comparable age who are not in any special education program.

Applications for preapproval for reimbursement for costs of transitional bilingual education programs must be first submitted through the office of the county superintendent of schools to the Superintendent's Office at least 60 days before a transitional bilingual education program is started, unless a justifiable exception is granted by the Superintendent of Public Instruction. Applications shall set forth a plan for transitional bilingual education established and maintained in accordance with this Article. Reimbursement claims for transitional bilingual education programs shall be made as follows:

Illinois Revised Statutes, Ch. 122 S34-18.2.

Section 34-18.2. Bilingual programs.

The Board of Education may provide programs in a language other than English for those children whose first language is other than English. Such programs are subject to the approval of the Superintendent of Public Instruction pursuant to Article 14C of The School Code. Upon approval of the program the Board shall be entitled to payment from the State of Illinois for the services and materials required.

Indiana

Note: 1. 28-3402 repealed by Public Law 158 of the Acts of 1972.
2. No statutory provision.

Iowa

Note: 1. No change.

Iowa

280.5 Medium of Instruction

The medium of instruction in all secular subjects taught in all of the schools, public and private, shall be the English language, and the use of any language other than English in secular subjects in said schools is hereby prohibited; but nothing herein shall prohibit the teaching and studying of foreign languages, as such, as a part of the regular school course in any such school. Any person violating any of the provisions of this section shall be fined not less than twenty-five dollars nor more than one hundred dollars.

Kansas

Note: 1. S72-1101 amended.

Article 11. - School Attendance, Curriculum and Accreditation.

Section 72-1101.

Required subjects in elementary schools; instruction in English or bilingual, if approved. Every accredited elementary school shall teach reading, writing, arithmetic, geography, spelling, English grammar and composition, history of the United States and of the state of Kansas, civil government and the duties of citizenship, health and hygiene, together with such other subjects as the state board may determine. The state board shall be responsible for the selection of subject matter within the several fields of instruction and for its organization into courses of study and instruction for the guidance of teachers, principals and superintendents. In accredited elementary schools, instruction shall be given in the English language except for courses of instruction in foreign languages, and except as otherwise provided in this section. The board of education of any school district, or the governing authority of any nonpublic school, may apply to the state board of education for approval of any bilingual elementary school program and upon approval thereof, instruction may be given in the appropriate languages in accordance therewith.

Kentucky

Note: 1. No change
2. No statutory or constitutional provisions.

Louisiana

Note: 1. Act No. 408 (1968) amended.

Louisiana

Section 12, Article XII, 1921 Constitution:

The general exercises in the public schools shall be conducted in the English language.

Section 272. French language and culture; teaching in public schools.

A. The French language and the culture and history of French populations in Louisiana and elsewhere in the Americas shall be taught for a sequence of years in the public elementary and high school systems of the state, in accordance with the following general provisions:

(1) As expeditiously as possible but not later than the beginning of the 1972-73 school year, all public elementary schools shall offer at least five years of French instruction starting with oral French in the first grade; except that any parish or city school board, upon request to the State Board of Education, shall be excluded from this requirement, and such request shall not be denied. Requests already received from school boards for exclusion from the provisions of Act 408 of 1968 shall also be valid for exclusion from the provisions of this Act unless individual school boards deem otherwise. School boards which have not already requested exclusion may do so at any time between July 1, 1971, and the beginning of the 1972-73 school year. The fact that any board is excluded, as here provided, from participation in the program established by this section shall in no case be construed to prohibit such school board from offering and conducting French courses in the curriculum of the schools it administers. In any school where the program provided for herein has been adopted the parent or other person legally responsible for a child may make written request to the parish school board requesting that said child be exempted from this program.

(2) As expeditiously as possible but not later than the beginning of the 1972-73 school year, all public high schools shall offer a program of at least three years of instruction in the French language and at least one course included in the culture and history of the French populations of Louisiana and other French speaking areas in the Americas; except that any parish or city school board may request the State Board of Education to be excluded from this requirement and such request shall not

be denied. Requests already received from school boards for exclusion from the provisions of Act 408 of 1968 shall also be valid for exclusion from the provisions of this Act unless individual school boards deem otherwise. School boards which have not already requested exclusion may do so at any time between July 1, 1971 and the beginning of the 1972-73 school year.

B. Repealed by Acts 1971, No. 13, S3.

C. The State Board of Education, the state superintendent of education, and all other public educational officials and administrators are properly charged with the implementation of this section.

D. The State Board of Education, the state superintendent of education, and the parish School Boards participating in the program set forth in this section shall include in their budget provision for the implementation of this program; and may avail themselves of any funds which may be provided by the federal government or other sources in accordance with the existing law and regulations of this state.

Maine

Note: 1. 20S102 sub. 16 amended.

Section 1, R.S., T. 20 S102, subsection 7, amended in 1969:

The basic language of instruction in all schools, public and private, shall be the English language, except as provided in this section.

Subsection 16. Bilingual education.

The Commissioner is empowered to cooperate with the United States Department of Health, Education and Welfare in carrying out the Bilingual Educational Programs Act; and such other federal programs as may concern the improvement of educational programs designed to meet the educational needs of children in areas having high concentration of children from non-English-speaking families.

Subject to the annual approval of the commissioner, the school committee or school directors of any administrative district having a high concentration of such children may provide early childhood programs involving bilingual education techniques designed to provide these children during not more than 5 years of their education of each child with educational experiences which will enhance their learning potential. Bilingual instructors shall be subject

to section 59 requiring certification of teachers by the State Board of Education, in both course content and language of instruction.

Maryland

Note: 1. Chapter 7A (1973) enacted.

Chapter 7A. Disadvantaged Children

Section 106A. Definitions.

(a) For the purposes of this chapter, a "disadvantaged youth" is a youth who because of environmental conditions is not achieving scholastically commensurate with his potential abilities, and who must compensate for inability to profit from the normal educational program. He is a youth who:

(1) Is between the ages of three and eighteen years and has not been graduated from high school;

(2) Is potentially capable of successfully completing a regular educational program leading to graduation from a secondary school;

(3) Is, because of home and community environment, subject to such language, cultural, and economic disadvantages as will make improbable his completion of the regular program leading to graduation without special efforts on the part of school authorities directed to the positive stimulation of his potential in addition to those efforts involved in providing the regular educational programs.

(b) A "program of compensatory education" is a program in any local school system in any of grades prekindergarten through 12, in the form prescribed by S106B of this chapter, which is in addition or supplementary to the regular educational programs of the local school system, having the purpose of providing positive stimulation of the intellectual abilities of disadvantaged youths, and which embodies a positive plan for the identification of these youths. Participation in a program of compensatory education under this chapter does not preclude an individual's participation in any other potentially beneficial program which may be offered in the public school system or otherwise.

Section 106B. Establishment of compensatory education programs; applications of local school systems for State funds; provision for funds in State budget.

(a) The State Board of Education may, to the extent funds therefor are provided in the State budget or are available from other sources, establish compensatory education programs of the following types:

(1) New or modified teacher training curricula to incorporate instruction in methods and techniques developed by competent authorities designed to enable teachers effectively to identify and teach disadvantaged children;

(2) Research and consultative projects undertaken to assist State and local public school agencies in carrying out their responsibilities under this chapter;

(3) Evaluation, demonstration, and dissemination of findings related to programs of compensatory education independently or in cooperation with any public or private agency or organization engaging in research and development undertakings designed to overcome disadvantage.

(b) The State Board of Education shall establish criteria to guide local school systems in making applications for any State funds which may be provided in the State budget specifically for the purposes of this chapter and for funds provided under the Elementary and Secondary Education Act.

These criteria apply to the extent that they do not conflict with the provisions of the Elementary and Secondary Education Act of 1965 or adminstrative regulations promulgated under that act.

(c) Each application of a local school system for State funds which may be provided shall include a comprehensive compensatory education plan which will emphasize a preventive program aimed at disadvantaged or potentially disadvantaged children, and shall have as an ultimate goal the teaching of such children to read, awakening the child's interest in learning, giving the child a sense of success in school achievement, preventing the child's alienation from the school, and preventing his possible early departure from school.

(d) State funds to assist in the development and implementation of the programs authorized hereunder may be provided in the State budget.

Maryland

Section 106C. Powers and duties of State Superintendent.

The State Superintendent of Schools shall have overall supervision and control of programs of compensatory education provided throughout the State, and shall take action necessary to coordinate all the programs. The State Superintendent, pursuant to the provisions of this chapter, is responsible for approving local program applications and for providing technical and consultative assistance to school systems.

Massachusetts

Note: 1. 76 S1 amended to delete all references to classroom language of instruction
2. 69 S35 and 71A S1 enacted.

Section 35. Establishment; project director; report; duties.

There shall be established within the department, subject to appropriation, a bureau of transitional bilingual education which shall be headed by a project director. The project director shall be appointed by the board of education upon the recommendation of the commissioner, and said project director shall have the minimum qualifications of a bachelor's degree in either business administration, liberal arts, or science, and shall have at least two years of documented administrative or teaching experience. The project director shall file a quarterly report with the board of education, the clerk of the house of representatives and the clerk of the senate.

The bureau for transitional bilingual education shall be charged with the following duties: (1) to assist the department in the administration and enforcement of the provisions of chapter seventy-one A and in the formulation of the regulations provided for in said chapter; (2) to study, review, and evaluate all available resources and programs that, in whole or in part, are or could be directed toward meeting the language capability needs of children and adults of limited English-speaking ability resident in the commonwealth; (3) to compile information about the theory and practice of transitional bilingual education in the commonwealth and elsewhere, to encourage experimentation and innovation in the field of transitional bilingual education, and to make an annual report to the general court and the governor; (4) to provide for the maximum practicable involvement of parents of children of limited English-speaking ability in the planning, development, and evaluation of transitional bilingual education programs in the districts serving their children, and to provide for the maximum practicable involvement of parents of children of limited English-speaking ability, teachers and teachers' aides of transitional bilingual education, community

coordinators, representatives of community groups, educators and laymen knowledgeable in the field of transitional bilingual education in the formulation of policy and procedures relating to the administration of chapter seventy-one A by the commonwealth; (5) to consult with other public departments and agencies, including but not limited to, the department of community affairs, the department of public welfare, the division of employment security, and the Massachusetts commission against discrimination, in connection with the administration of said chapter; (6) to make recommendations to the department in the areas of pre-service and in-service training for teachers of transitional bilingual education programs, curriculum development, testing and testing mechanisms, and the development of materials for transitional bilingual education courses; and (7) to undertake any further activities which may assist the department in the full implementation of said chapter.

Chapter 71A. Transitional Bilingual Education

Section 1. Definitions.

The following words, as used in this chapter shall, unless the context requires otherwise, have the following meanings:

"Department", the department of education.

"School committee", the school committee of a city, town or regional school district.

"Children of limited English-speaking ability", (1) children who were not born in the United States whose native tongue is a language other than English and who are incapable of performing ordinary classwork in English; and (2) children who were born in the United States of non-English-speaking parents and who are incapable of performing ordinary classwork in English.

"Teacher of transitional bilingual education", a teacher with a speaking and reading ability in a language other than English in which bilingual education is offered and with communicative skills in English.

"Program in transitional bilingual education", a full-time program of instruction (1) in all those courses or subjects which a child is required by law to receive and which are required by the child's school committee which shall be given in the native language of the children of limited English-speaking ability who are enrolled in the program and also in English, (2) in the reading and writing of the native language of the children of limited English-speaking ability who are enrolled in the program and in the oral comprehension, speaking, reading and writing of English, and (3) in the history and culture of the country, territory or geographic area which is the native land of the parents

of children of limited English-speaking ability who are enrolled in the program and in the history and culture of the United States.

Section 2. Language classification of children; establishment of program; period of participation; examination.

Each school committee shall ascertain, not later than the first day of March, under regulations prescribed by the department, the number of children of limited English-speaking ability within their school system, and shall classify them according to the language of which they possess a primary speaking ability.

When, at the beginning of any school year, there are within a city, town or school district not including children who are enrolled in existing private school systems, twenty or more children of limited English-speaking ability in any such language classification, the school committee shall establish, for each classification, a program of transitional bilingual education for the children therein; provided, however, that a school committee may establish a program in transitional bilingual education with respect to any classification with less than twenty children therein.

Every school-age child of limited English-speaking ability not enrolled in existing private school systems shall be enrolled and participate in the program in transitional bilingual education established for the classification to which he belongs by the city, town or school district in which he resides for a period of three years or until such time as he achieves a level of English language skills which will enable him to perform successfully in classes in which instruction is given only in English whichever shall first occur.

A child of limited English-speaking ability enrolled in a program in transitional bilingual education may, in the discretion of the school committee and subject to the approval of the child's parent or legal guardian, continue in that program for a period longer than three years.

An examination in the oral comprehension, speaking, reading and writing of English, as prescribed by the department, shall be administered annually to all children of limited English-speaking ability enrolled and participating in a program in transitional bilingual education. No school committee shall transfer a child of limited English-speaking ability out of a program in transitional bilingual education prior to his third year of enrollment therein unless the parents of the child approve the transfer in writing, and unless the child has received a score on said examination

which, in the determination of the department, reflects a level of English language skills appropriate to his or her grade level.

If after evidence suggests that a child so transferred is still handicapped by an inadequate command of English, he may be reenrolled in the program for a length of time equal to that which remained at the time he was transferred.

Section 3. Notice of enrollment; content; rights of parents.

No later than ten days after the enrollment of any child in a program in transitional bilingual education the school committee of the city, town or the school district in which the child resides shall notify by mail the parents or legal guardian of the child of the fact that their child has been enrolled in a program in transitional bilingual education. The notice shall contain a simple, non-technical description of the purposes, method and content of the program in which the child is enrolled and shall inform the parents that they have the right to visit transitional bilingual education classes in which their child is enrolled and to come to the school for a conference to explain the nature of transitional bilingual education. Said notice shall further inform the parents that they have the absolute right, if they so wish, to withdraw their child from a program in transitional bilingual education in the manner as hereinafter provided.

The notice shall be in writing in English and in the language of which the child of the parents so notified possesses a primary speaking ability.

Any parent whose child has been enrolled in a program in transitional bilingual education shall have the absolute right, either at the time of the original notification of enrollment or at the close of any semester thereafter, to withdraw his child from said program by written notice to the school authorities of the school in which his child is enrolled or to the school committee of the city, town or the school district in which his child resides.

Section 4. Non-resident children; enrollment and tuition; joint programs; reimbursement for transportation.

A school committee may allow a non-resident child of limited English-speaking ability to enroll in or attend its program in transitional bilingual education and the tuition for such a child shall be paid by the city, town, or the district in which he resides.

Any city, town or school district may join with any other city, town, school district or districts to provide the programs in transitional bilingual education required or permitted by this chapter.

The commonwealth, under section eighteen A of chapter fifty-eight, shall reimburse any city, town or district for one-half or the cost of providing transportation for children attending a program in transitional bilingual education outside the city, town or district in which they reside.

Section 5. Participation in extra-curricular activites of public schools; placement of children.

Instruction in courses of subjects included in a program of transitional bilingual education which are not mandatory may be given in a language other than English. In those courses or subjects in which verbalization is not essential to an understanding of the subject matter, including but not necessarily limited to art, music and physical education, children of limited English-speaking ability shall participate fully with their English-speaking contemporaries in the regular public schools in the city, town or district. Programs in transitional bilingual education shall, whenever feasible, be located in the regular public schools of the city, town or the district rather than separate facilities.

Children enrolled in a program of transitional bilingual education whenever possible shall be placed in classes with children of approximately the same age and level of educational attainment. If children of different age groups or educational levels are combined, the school committee so combining shall ensure that the instruction given each child is appropriate to his or her level of educational attainment and the city, town or the school districts shall keep adequate records of the educational level and progress of each child enrolled in a program.

The maximum student-teacher ratio shall be set by the department and shall reflect the special educational needs of children enrolled in programs in transitional bilingual education.

Section 6. Teacher's certification and certificate; qualifications and requirements; compensation; exemptions.

The board of education, hereinafter called the board, shall grant certificates to teachers of transitional bilingual education who possess such qualifications as are prescribed in this section. The requirements of section thirty-eight G of this chapter seventy-one shall not apply to the certification of teachers of transitional bilingual education. Teachers of transitional bilingual education, including those serving under exemptions as provided in this section, shall be compensated by local school committees not less than a step on the regular salary schedule applicable to permanent teachers certified under said section thirty-eight G.

The board shall grant certificates to teachers of transitional bilingual education who present the board with satisfactory evidence that they (1) possess a speaking and reading ability in a language, other than English, in which bilingual education is offered and communicative skills in English; (2) are in good health, provided that no applicant shall be disqualified because of blindness or defective hearing; (3) are of sound moral character; (4) possess a bachelor's degree or an earned higher academic degree or are graduates of a normal school approved by the board; (5) meet such requirements as to courses of study, semester hours therein, experience and training as may be required by the board; and (6) are legally present in the United States and possess legal authorization for employment.

For the purpose of certifying teachers of transitional bilingual education the board may approve programs at colleges or universities devoted to the preparation of such teachers. The institution shall furnish the board with a student's transcript and shall certify to the board that the student has completed the approved program and is recommended for a teaching certificate.

No person shall be eligible for employment by a school committee as a teacher of transitional bilingual education unless he has been granted a certificate by the board; provided, however, that a school committee may prescribe such additional qualifications, approved by the board. Any school committee may upon its request be exempted from the certification requirements of this section for any school year in which compliance therewith would in the opinion of the department constitute a hardship in the securing of teachers of transitional bilingual education in the city, town or regional school district. Exemptions granted under this section shall be subject to annual renewal by the department.

A teacher of transitional bilingual education serving under an exemption as provided in this section shall be granted a certificate if he achieves the requisite qualifications therefor. Two years of service by a teacher of transitional bilingual education under such an exemption shall be credited to the teacher in acquiring the status of serving at the discretion of the school committee as provided in section forty-one of chapter seventy-one, and said two years shall be deemed to immediately precede, and be consecutive with, the year in which a teacher becomes certified. In requesting an exemption under this section a school committee shall give preference to persons who have been certified as teachers in their country or place of national origin.

All holders of certificates and legal exemptions under the provisions of section thirty-eight G of chapter seventh-one who provide the board with satisfactory evidence that they possess a speaking and reading ability in a language other than English may be certified under this section as a teacher of transitional bilingual education.

Nothing in this chapter shall be deemed to prohibit a school committee from employing to teach in a program in transitional bilingual education a teacher certified under section thirty-eight G of chapter seventy-one, so long as such employment is approved by the department.

Section 7. Pre-school or summer school programs.

A school committee may establish on a full or part-time basis pre-school or summer school programs in transitional bilingual education for children of limited English-speaking ability or join with the other cities, towns, or school districts in establishing such pre-school or summer programs. Preschool or summer programs in transitional bilingual education shall not substitute for programs in transitional bilingual education required to be provided during the regular school year.

Section 8. Costs of program; reimbursement by commonwealth; limitations.

The costs of the programs in transitional bilingual education required or permitted under this chapter, actually rendered or furnished, shall, for the amount by which such costs exceed the average per pupil expenditure of the city, town or the school district for the education of children of comparable age, be reimbursed by the commonwealth to the city, town or regional school districts as provided in section eighteen A of chapter fifty-eight.

Reimbursement shall be made upon certification by the department that programs in transitional bilingual education have been carried out in accordance with the requirements of this chapter, the department's own regulations, and approved plans submitted earlier by city, town, or the school districts, and shall not exceed one and one-half million dollars for the first year, two and one-half million dollars per year for the second and third years, and four million dollars per year for the fourth and subsequent years of program in transitional bilingual education. In the event that amounts certified by the department for reimbursement under this section exceed the available state funds therefor, reimbursement of approved programs shall be made based on the ratio of the maximum available state funds to the total funds expended by all of the school committees in the commonwealth.

Nothing herein shall be interpreted to authorize cities, towns or school districts to reduce expenditures from local and federal sources, including monies allocated under the federal Elementary and Secondary Education Act, for transitional bilingual education programs.

The costs of programs in transitional bilingual education, other than those actually reimbursed under this chapter, shall be "reimbursable expenditures" within the meaning of chapter seventy, and shall be reimbursed under said chapter.

Section 9. Rules and regulations; promulgation.

In addition to the powers and duties prescribed in previous sections of this chapter, the department shall exercise its authority and promulgate rules and regulations to achieve the full implementation of all provisions of this chapter. A copy of the rules and regulations issued by the department shall be sent to all cities, towns and school districts participating in transitional bilingual education.

Michigan

Note: 1. Public Act 294 Section 340.360 amended.
2. Sections 340.390, Section 340.396 enacted.

Section 360.

(1) English shall be the basic language of instruction in all the schools of this state, public, private, parochial, or in any state institution.

(2) Subsection (1) shall not be construed as applying to:

(a) Religious instruction in private or parochial schools given in any language in addition to the regular course of study.

(b) A course of instruction in a foreign language in which the students have acquired sufficient proficiency to be conversant in the foreign language.

(c) Bilingual instruction, as defined in section 390 which will assist children of limited English-speaking ability to achieve reasonable efficiency in the English language.

Michigan

Section 390.

(a) "Bilingual instruction" means the use of two languages, one of which is English, as media of instruction for speaking, reading, writing, or comprehension. "Bilingual instruction" may include instruction in the history and culture of the country, territory, or geographic area associated with the language spoken by children of limited English-speaking ability who are enrolled in the program and in the history and culture of the United States.

(b) "Children of limited English-speaking ability" means children who have or reasonably may be expected to have difficulty performing ordinary class work in English because of their native tongue is a language other than English or because they come from a home or environment where the primary language used is a language other than English.

(c) "Constituent school district" means short-term or part-time training for administrators, teachers, teacher aides, paraprofessionals, or other education personnel engaged in bilingual instruction programs for children of limited English-speaking ability.

Section 391.

(1) Beginning with the 1975-76 school year, the board of a school district having an enrollment of 20 or more children of limited English-speaking ability in a language classification in grades K-12 shall establish and operate a bilingual instruction program for those children.

(2) The board may establish and operate a bilingual instruction program with respect to a language classification if the school district has fewer than 20 children of limited English-speaking ability.

(3) Children enrolled in a bilingual instruction program operated under this section may be placed in classes with other children of approximately the same age and grade level. If children of different age groups or grade levels are combined, the board of the school district shall insure that the instruction given each child is appropriate to his level of educational attainment.

(4) A child of limited English-speaking ability residing in a district which does not have an appropriate bilingual instruction program or

which is not required to have a bilingual instruction program may enroll in a program in another school district. Tuition for the child shall be paid, and transportation shall be provided by the school district in which the child resides.

(5) Where fewer than 20 children of limited English-speaking ability in a language classification are enrolled in a school district, the board of the intermediate school district shall determine whether the total number of such children residing in its constituent school districts which do not operate a bilingual instruction program warrants the establishment of an intermediate bilingual instruction support program. An intermediate district operating or contracting for the operation of a bilingual program or service may carry children in membership in the same manner as local school districts and shall be entitled to its proportionate share of state funds available for the program. Membership shall be calculated pursuant to rules promulgated by the state board of education. The board of the intermediate school district shall consider:

(a) Whether the cost of operating an intermediate bilingual instruction support program is justified by the number of children at each grade level who would benefit from its establishment.

(b) Whether alternative methods of providing a bilingual instruction support program, such as visiting teachers or part-time instruction, can be provided.

Section 392.

(1) The bilingual instruction program operated by a school district shall be a full-time program of bilingual instruction in:

(a) The courses and subjects required by this act.

(b) The courses and subjects required by the board for completion of the grade level in which the child is enrolled.

Michigan

Section 393.

(1) Prior to the placement of a child of limited English-speaking ability in a bilingual instruction program, the school district in which the child resides shall notify, by registered mail, the child's parents or legal guardian that the child is being enrolled in a bilingual instruction program. The notice shall contain a simple, non-technical description of the purposes, method, and content of the program and shall inform the parents that they have the right to visit bilingual instruction classes in which their child is enrolled.

(2) The notice shall be written in English and in the native language of the child of limited English-speaking ability.

(3) The notice shall inform the parents that they have the absolute right to refuse the placement or to withdraw their child from the program by giving written notice to the school board of the local district in which the child resides.

(4) A child of limited English-speaking ability residing in a school district operating or participating in a bilingual instruction program pursuant to section 391 shall be enrolled in the bilingual instruction program for three years or until he achieves a level of proficiency in English language skills sufficient to receive an equal education opportunity in the regular school program, whichever occurs first. A school district shall not transfer a child of limited English-speaking ability out of a bilingual instruction program prior to the child's third year of enrollment unless the parents or guardian of the child approve the transfer in writing or unless the child successfully completes an examination which, in the determination of the state board of education, reflects a level of proficiency in English language skills appropriate to the child's grade level.

Section 394.

A school district operating a bilingual instruction program pursuant to section 391 shall establish an advisory committee to assist the board in evaluating and planning the bilingual instruction program. The advisory committee shall be comprised of representatives of parents of children enrolled in the

program, bilingual instruction teachers and counselors, and members of the community. A majority of the members of the advisory committee shall be parents of children enrolled in the bilingual instruction program.

Section 395.

(1) The state board of education, in cooperation with intermediate and local school districts, shall develop and administer a program of in-service training for bilingual instruction programs. The state board of education shall promulgate rules governing the conduct of and participation in the in-service training programs.

(2) Exercising its authority under section 10 of Act No. 287 of the Public Acts of 1964, being section 388.1010 of the Michigan Compiled Laws, the state board of education shall promulgate rules governing the endorsement of teachers as qualified bilingual instructors in the public schools of this State. The teacher shall meet the requirements of sections 851 and 852 of this act and shall be proficient in both the oral and written skills of the language for which he is endorsed.

(3) The state board of education shall approve an examination or testing mechanism suitable for evaluating the proficiency in English language skills of a child of limited English-speaking ability.

Section 396.

The state department of education shall:

(a) Advise and assist school districts in complying with and implementing sections 390 to 396.

(b) Study, review, and evaluate textbooks and instructional materials, resources, and media for use in bilingual instruction and pedagogy.

(c) Compile data relative to the theory and practice of bilingual instruction and pedagogy.

(d) Encourage experimentation and innovation in bilingual education.

(e) Recommend in-service training programs, curriculum development, and testing mechanisms to the state board of education.

Michigan

(f) Make an annual report relative to bilingual instruction programs to the legislature and the governor.

Minnesota

Note: 1. No change.

Minnesota Statutes 120.10 Subdivision 2:

A school to satisfy the requirements of compulsory attendance, must be one in which all the common branches are taught in the English language, from textbooks written in the English language, and taught by teachers whose qualifications are essentially equivalent to the minimum standards for public school teachers of the same grades or subjects. A foreign language may be taught when such language is an elective or a prescribed subject of the curriculum, but not to exceed one hour in each day.

Minnesota Stat. Ann. (1960), Sec. 126.07

The books used and the instruction given in public schools shall be in the English language, but any other language may be used by teachers in explaining to pupils who understand such language, the meaning of English words; and in high and graded schools other languages may be taught when made a part of a regular or optional course of study. Instruction may be given in such language in common schools, not to exceed one hour in each day, by unanimous vote of the trustees.

Mississippi

Note: 1. No change
2. No statutory or constitutional provisions.

Missouri

Note: 1. No change.
2. No statutory or constitutional provisions.

Montana

Note: 1. Section 72-2901 repealed and section 75-2002 repealed
2. Section 75-6303, 75-6304 and 75-7504 enacted.

Chapter 63 - Compulsory Attendance and Tuition Agreements.

Section 75-6303. Compulsory enrollment and excuses.

Any parent, guardian or other person who is responsible for the care of any child who is seven (7) years of age or older prior to the first day of school in any school fiscal year and has not yet reached his sixteenth birthday and who has

not completed the eighth(8th) grade, shall cause the child to be instructed in the English language and in the subjects prescribed by section 75-7503 or section 75-7504, whichever is applicable. Such parent, guardian or other person shall enroll the child in the school assigned by the trustees of the district within the first week of the school term or when he establishes residence in the district unless:

(1) the child is enrolled in a private institution which provides instruction in the subjects prescribed by section 75-7503 or section 75-7504, whichever is applicable, and in which the basic language taught is English;

(2) the child is enrolled in a school of another district or state under any of the tuition provisions of this Title;

(3) the child is provided with supervised correspondence study or supervised home study under the transportation provisions of this Title; or

(4) the child is excused from enrollment in a school of the district when it is shown that his bodily or mental condition does not permit his attendance and the child cannot be instructed under the special education provisions of this Title.

The excuse provided for in subsection (4), above, shall be issued by the district superintendent, or the county superintendent when there is no district superintendent employed by the district. Whenever an excuse is denied by the applicable official, an appeal of such decision may be made to the district court of the county within ten (10) days after the decision upon giving a bond in the amount set by the court to pay all costs of the appeal. The decision of the district court shall be final.

(5) the child is excused from compulsory school attendance upon a determination by a district judge that such attendance is not in the best interest of the child.

Section 75-6304. Compulsory attendance and excuses

Any parent, guardian or other person who is responsible for the care of any child who is seven (7) years of age or older prior to the first day of school in any school fiscal year but has not yet reached his sixteenth birthday, or of the eighth grade, shall cause the child to attend the school in which he is enrolled for the school term and

each school day therein prescribed by the trustees of the district unless:

(1) the child has been excused under one of the conditions specified in section 75-6303;

(2) the child is absent because of illness, bereavement or other reason prescribed by the policies of the trustees; or

(3) the child has been suspended or expelled under the provisions of section 75-6311.

Section 75-7504. Instruction in middle schools, junior high schools and high schools.

All middle schools, junior high schools and high schools shall be taught in the English language. Instruction shall be given in accordance with the requirements of the standards of accreditation adopted by the board of public education. Such standards shall require instruction in English, American history, American government, mathematics, science, health and physical education. Instruction may be given in additional subjects when approved by the trustees.

Nebraska

Note: 1. No change.

Nebraska Constitution, Article I, Section 27

The English language is hereby declared to be the official language of this state, and all official proceedings, records and publications shall be in such language and the common school branches shall be taught in said language in public, private, denominational and parochial schools.

Nevada

Note: 1. No change.

Nevada Rev. Stat. Section 394.140, 1967

It shall be unlawful for any teacher or other person teaching in a private school in this state to cause to be taught or teach any subject or subjects, other than foreign languages, in a private school in this state in any language except the English language.

New Hampshire

Note: 1. No change.
2. Kloss omitted Sections 189:20 and 189:21

Chapter 189; New Hampshire Revised Statutes Annotated

189:19 English Required.

In the instruction of children in all schools, including private schools, in reading, writing, spelling, arithmetic, grammar, geography, physiology, history, civil government, music, and drawing, the English language shall be used exclusively, both for the purposes of instruction therein and for purposes of general administration; provided, however, that experimental educational programs in the field of bilingual education shall be permitted under the provisions of this section with the approval of the state board of education.

189:20 Foreign Languages.

A foreign language may be taught in elementary schools; provided, that the course of study (or its equivalent) outlined by the state board in the branches named in section 19 be not abridged but be taught in compliance with the law of the state.

189:21 Language of Devotional Exercises in Private Schools.

The exclusive use of English for purposes of instruction and administration shall not prohibit the conduct of devotional exercise in private schools in a language other than English.

New Jersey

Note: 1. New Jersey annotated. Title 18A, Chapter 35 enacted.

18A:35-15. Legislative findings

The Legislature finds that there are large numbers of children in the State who come from environments where the primary language is other than English. Experience has shown that public school classes in which instruction is given only in English are often inadequate for the education of children whose native tongue is another language. The Legislature believes that a program of bilingual education can meet the needs of those children and facilitate their integration into the regular public school curriculum. Therefore, pursuant to the policy of the State to insure equal educational opportunity to every child, and in recognition of the educational

needs of children of limited English speaking ability, it is the purpose of this act to provide for the establishment of bilingual education programs in the public schools.

18A:35-16. Definitions

As used in this act, the following words and phrases shall have the following meaning:

"Children of limited English-speaking ability" means those children whose primary language is other than English and who have difficulty performing ordinary classwork in English.

"Programs in bilingual education" means a full-time program of instruction (1) in all those courses or subjects which a child is required by law, rule or regulation to receive given in the native language of the children of limited English-speaking ability enrolled in the program and also in English (2) in the aural comprehension, speaking, reading, and writing of the native language of the children of limited English-speaking ability enrolled in the program and in the aural comprehension, speaking, reading and writing of English and (3) in the history and culture of the country, territory or geographic area which is the native land of the parents of children of limited English-speaking ability enrolled in the program and in the history and culture of the United States.

18A:35-17. Identification and classification of children of limited English-speaking ability

Each school district shall identify and ascertain, according to rules prescribed by the Commissioner of Education with the approval of the State board, the children attending the schools of the district who are of limited English-speaking ability and, also, those not in attendance but resident within the district, and shall classify them according to the language of which such children possess a primary speaking ability.

18A:35-18. Programs in bilingual education; establishment; number of pupils

When, at the beginning of any school year, there are within the schools of the district 20 or more pupils of limited English-speaking ability in any one language classification, the board of education shall establish, for each such classification, a program in bilingual education for all the pupils therein; provided, however, that a board of education may establish a program in bilingual education for any language classification with less than 20 children therein.

18A:35-19. Period of continuance of participation by pupil

Every pupil participating in a program established pursuant to this act shall be entitled to continue such participation for a period of 3 years.

18A:35-20. Participation in courses in which verbalization unessential to understanding of subject matter; location of and children in bilingual programs.

In those courses or subjects in which verbalization is not essential to an understanding of the subject matter, including but not limited to art, music, and physical education, pupils of limited English-speaking ability shall participate fully with English-speaking pupils in the regular classes provided for such subjects. Each board shall insure to each pupil enrolled in a program in bilingual education a practical and meaningful opportunity to participate fully in all programs and activities available in the school district. Programs in bilingual education shall be located in the regular public schools of the district rather than in separate facilities. Bilingual education programs may include children of English-speaking ability.

18A:35-21. Joint establishment by school districts

A school district may join with any other school district or districts, according to rules prescribed by Commissioner of Education with the approval of the State board, to provide programs pursuant to this act.

18A:35-22. Notice to parents of enrollment of child; involvement of parents in program

Each school district shall notify by mail the parents of the pupils of limite English-speaking ability of the fact that their child has been enrolled in a program of bilingual education. Such notice shall be in writing and in the language of which the child of the parents so notified possesses a primary speaking ability, and in English.

The board shall provide for a maximum practicable involvement of parents of children of limited English-speaking ability in the development and review of program objectives and dissemination of information to and from the local school districts and communities served by the bilingual education program within existing State law.

18A:35-23. Rules and regulations, employment of personnel, etc. to implement program

The Commissioner of Education and the Chancellor of Higher Education shall, with the approval of their respective boards promulgate rules and regulations, establish procedures, employ personnel, and take all other necessary steps to insure the implementation of the provisions of this act.

New Jersey

18A:35-24. State advisory committee on bilingual education

The State Board of Education and the State Board of Higher Education shall jointly establish a State Advisory Committee on Bilingual Education to assist the Department of Education and the Department of Higher Education in the formulation of policies and procedures relating to this act. The State Advisory Committee on Bilingual Education shall include representatives of the language communities served, institutions of higher education, local school boards, school administrators, teacher and laymen knowledgeable in the field of bilingual education.

18A:35-25. Financial support to institutions of higher education for career development programs and training of professionals

The Board of Higher Education with the advice of the State Advisory Committee on Bilingual Education shall provide financial support to institutions of higher education for career development programs and the training of professionals serving bilingual populations with emphasis on effective utilization of existing facilities.

18A:35-26. Duties of state board and state board of higher education

The State board and the State Board of Higher Education shall develop resources, programs, curriculum and instructional materials and undertake such other activities as will enable boards of education to provide programs pursuant to this act; the boards shall, where appropriate, jointly or cooperatively undertake such activities.

New Mexico

Note: 1. Sec. 77-11-22 (1973) repealed.
2. Sec. 77-23-1 to Sec. 77-23-7 (1973) enacted.

Section 77-23-1. Short title.

This act [77-23-1 to 77-23-7] may be cited as the "Bilingual Multi-Cultural Education Act."

Section 77-23-2. Definitions.

As used in the Bilingual Multi-Cultural Education Act [77-23-1 to 77-23-7]:

(a) "program" means a program of education by which students learn through two languages to understand and participate in the cultures of their environment;

(b) "chief" means chief of public school finance;

(c) "culturally and linguistically different" are those persons who are of a different cultural background than the majority culture of the state and whose native tongue is of a language other than the language of the majority culture within the state;

(d) "department" means the state department of education;

(e) "district" means a local school district; and

(f) "school board" means a local school board.

Section 77-23.3. Purpose.

(a) The purposes of the Bilingual Multi-Cultural Education Act [77-23-1 to 77-23-7] is to ensure equal education opportunities for students in New Mexico.

(1) utilizing the cultural and linguistic backgrounds of the students in the curriculum;

(2) providing students with opportunities to expand their conceptual and linguistic abilities and potentials in a successful and positive manner; and

(3) teaching students to appreciate the value and beauty of different languages and cultures.

Section 77-23-4. State board and department - Powers - Duties.

(a) The state board shall issue guidelines for the development and implementation of programs.

(b) The department shall administer and enforce the provisions of the Bilingual Multi-Cultural Education Act [77-23-1 to 77-23-7].

(c) The department shall assist school boards in developing and evaluating programs.

(d) In the development, implementation and administration of this program, the state board and the department shall give preference to New Mexico residents when hiring personnel.

Section 77-23.5. Program plan and evaluation

(a) The school board may prepare and submit to the department, the state superintendent of public instruction or his representative and the chief a program plan in accordance with guidelines issued by the state board.

(b) At regular intervals, the school board, the department and a parent advisory committee from the district shall review the goals and priorities of the plan and make appropriate recommendations to the state board.

(c) Programs shall be located in the regular public schools of the district. Involvement of students in any programs shall not have the effect of segregating students by ethnic group, color or national origin.

Section 77-23-6. Bilingual instruction programs - Eligibility for state financial support

(a) To be eligible for state financial support, each program must:

(1) provide for the educational needs of linguistically and culturally different students, including native American children, and other students who may wish to participate, in grades K through six [6], with priority to be given to programs in grade K through three [3], in any public school or between a combination of public schools in a district;

(2) fund programs for culturally and linguistically different students in the state in grades K through three [3] for which there is an identifiable need to improve the language capabilities of these students before funding programs at higher grade levels;

(3) use two [2] languages as mediums of instruction for any part or all of the curriculum of the grade level or levels within the program;

(4) use teachers who have specialized in elementary education and who have received special training in bilingual education conducted through the use of two [2] languages; and

(5) emphasize the history and cultures associated with the students' mother tongue.

(b) Each program must meet each requirement of subsection A of this section and be approved by the department, the state superintendent of public instruction or his representative and the chief to be eligible for state financial support.

New Mexico

Section 77-23-7. Financial support - Distributions.

Subject to the approval of each program, and the expenditure required for it, and the availability of funds, the chief shall distribute funds to each district for programs in or between schools in that district. The chief's distribution shall be limited to the amount by which the cost of a program exceeds the average per pupil expenditure of the district for the education of children of comparable age. The chief's distribution shall be in addition to, and shall not cause a reduction of, any other or combination of other state distributions.

Article XXI, Sec. 4. State Construction.

Provisions shall be made for the establishment and maintenance of a system of public schools which shall be open to all the children of the state and free from sectarian control, and said schools shall always be conducted in English.

Article XII, Sec. 8. State Constitution.

The legislature shall provide for training of teachers to become proficient in both English and Spanish to qualify them to teach Spanish-speaking students in school.

Laws 1967, ch. 16, Sec. 180, Sec. 77-11-1. Public Schools. Required courses of instruction.

The state board shall, by regulation, prescribe courses of instruction to be taught in all public schools in the state.

New York

Note: 1. S32021 amended.
2. S4401 and S4404 enacted.
3. S4404 enacted.

Section 3204. Instruction required.

1. Place of instruction. A minor required to attend upon instruction by the provision of part one of this article may attend at a public school or elsewhere. The requirements of this section shall apply to such a minor, irrespective of the place of instruction.

2. Quality and language of instruction; text-books. Instruction may be given only by a competent teacher. In the teaching of the subjects of instruction prescribed by this section, English shall be the language of instruction, and text-books used shall be written in English, except that for a period of three years, which period

may be extended by the commissioner with respect to individual pupils, upon application therefor by the appropriate school authorities, to a period not in excess of six years, from the date of enrollment in school, pupils who, by reason of foreign birth, ancestry or otherwise, experience difficulty in reading and understanding English, may, in the discretion of the board of education, board of trustees or trustee, be instructed in all subjects in their native language and in English. Instructions given to a minor elsewhere than at a public school shall be at least substantially equivalent to the instruction given to minors of like age and attainments at the public schools of the city or district where the minor resides.

2a. Bilingual instruction in schools.

1. The governing board of any school district is hereby empowered to determine the circumstances and necessity wherein instruction shall be given bilingually. The said governing board shall design the necessary procedures and acquire the necessary training materials and equipment to meet the special educational needs of children of limited English-speaking ability through programs designed to accomplish the following:

   a) bilingual education;

   b) to impart to students a knowledge of the history and culture associated with their language;

   c) to establish closer cooperation between the school and the home;

   d) to provide early childhood educational programs related to the purposes of this section and designed to improve the potential for profitable learning activities by children;

   e) to provide adult education programs related to the purposes of this section, particularly for parents of children participating in bilingual programs;

f) to provide programs designed for dropouts or potential dropouts having need of bilingual programs;

g) to provide programs to be conducted by accredited trade, vocational or technical schools; and

h) to provide other activities deemed desirable to further the purposes of this section.

2. Any duly authorized local educational agency or agencies is hereby empowered to make application for any grant or grants in furtherance of this section under Title VII Public Law 90-247 as enacted by the United States Congress January second, nineteen hundred sixty-eight.

3. Courses of Study.

(a)(1) The course of study for the first eight years of full time public day schools shall provide for instruction in at least the twelve common school branches of arithmetic, reading, spelling, writing, the English language, geography, United States history, civics, hygiene, physical training, the history of New York State and science.

2) The courses of study and of specialized training beyond the first eight years of full time public day schools shall provide for instruction in at least the English language and its use, in civics, hygiene, physical training, and American history including the principles of government proclaimed in the Declaration of Independence and established by the Constitution of the United States.

3) The courses of study beyond the first eight years of full time public day school may provide a program for a course in "communism and its methods and its destructive effects".

(b) For part time day school. The course of study of a part time public day school shall include such subjects

as will enlarge the civic and vocational intelligence and skill of the minors required to attend.

c) For evening schools. In a public evening school instruction shall be given in at least speaking, reading, and writing English.

d) For parental schools. In a parental school provision shall be made for vocational training and for instruction in other subjects appropriate to the minor's age and attainments.

e) Changes in courses of study. The state education department shall have power to alter the subjects of instruction as prescribed in this section.

4. Length of school sessions.

a) A full time day school or class, except as otherwise prescribed, shall be in session for not less than one hundred ninety days each year, inclusive of legal holidays that occur during the term of said school and exclusive of Saturdays.

b) A part time school day or class will be in session each year for at least four hours of each week during which the full time day schools are in session.

c) Evening schools shall be in session each year as follows:

1) In cities having a population of one hundred thousand or more, on at least one hundred nights;

2) In cities having a population of fifty thousand but less than one hundred thousand, on at least seventy-five nights;

3) In each other city, and in each school district where twenty or more persons from seventeen to twenty-one years of age are required to attend upon evening instruction, on at least fifty nights.

5. Subject to rules and regulations of the board of regents, a pupil may, consistent with the requirements of public education and public health, be excused from such study of health or hygiene as conflicts with the religion of his parents or guardian. Such conflict must be certified by a proper representative of their religion as defined by section two of the religious corporation law.

Section 4401. Definitions.

As referred to in this article

1. A "handicapped child" is one who, because of mental, physical or emotional reasons, cannot be educated in regular classes but can benefit by special services and programs to include, but not limited to, transportation, the payment of tuition to boards of cooperative educational services and public school districts, home teaching, special classes, special teachers, and the resource rooms.

2. A "delinquent child" means a person under twenty-one years of age who is under commitment or remand by a court of competent jurisdiction or who has been legally surrendered by his parent or guardian to an institution established under and incorporated by state law to provide care, custody and rehabilitation for delinquent children, or to a detention home or house or shelter providing education to delinquent children pending hearings on delinquency petitions, or on remand to juvenile or other courts.

3. A "non-English-speaking child" means a person under twenty-one years of age who is unable to speak and understand the English language.

Section 4404. Duties of school districts.

1. The board of education or trustees of each school district shall ascertain under regulations prescribed by the commissioner of education and approved by the regents of the university, the number of handicapped children in such district under the age of twenty-one years.

2. The board of education of each city and of each union free school district shall be required to furnish suitable education facilities for handicapped children by means of home-teaching,

transportation to school or by special classes. The need of the individual child shall determine which of such services shall be rendered. Where there are ten or more handicapped children who can be grouped homogeneously in the same classroom for instruction purposes such board shall establish such special classes as may be necessary to provide instruction adapted to the mental attainments and physical conditions of such children.

2b. Provided, however, that in each city or union free school district in which schools for handicapped children exist or may hereafter be established, which are incorporated under the laws of the state and are found by the board of education to be adequate to provide instruction adapted to the mental attainments and physical conditions of such children, the board of education shall not be required to supply additional special classes for the children so provided for. The boards of education of such cities or union free school districts are hereby authorized and empowered to contract with such schools for the education of such children therein.

Such city or union free school districts are also authorized and empowered to contract with private schools outside of such districts but located within the state for the education of such children, provided that such schools must be incorporated in the state of New York and must be registered by the commissioner in accordance with standards established by him.

3. The board of education or board of trustees of each school district, which contains less than ten handicapped children shall have power to furnish suitable educational facilities for such children by means of home-teaching or transportation to school. The needs of the individual child shall determine which of such services shall be rendered. Such board is also authorized and empowered to contract with the board of education of another school district, a board of cooperative educational services or a vocational education and extension board of a county for the education of such children in special classes organized in the schools of such district, of such board of cooperative educational services or of such vocational education and extension board with which such contract is made.

4. The board of education of each school district in which there are ten or more handicapped children who can be grouped homogeneously in the same classroom for instructional purposes shall establish such special classes as may be necessary to provide instruction adapted to the mental attainments of such children from their fifth birthday until the end of the school year during which they attain their twenty-first birthday, or shall contract with the board of education of another school district, a board of cooperative educational services or a vocational education and extention board for the education of such children, under regulations to be established by the commissioner of education.

   The board of education of each school district shall cause suitable examinations to be made to ascertain the physical, mental and social causes of such failures or "under-achievement" of every pupil in a public school, not attending a special class, who has failed continuously in his studies or is listed as an "under-achiever". Such examinations shall be made in such manner and at such times as shall be established by the commissioner of education, to determine if such a child is incapable of benefiting through ordinary classroom instruction, and whether such child may be expected to profit from special educational facilities.

5. The board of education or the board of trustees of each school district shall provide suitable transportation to and from special classes as outlined in subdivision four of this section or section forty-four hundred six of this article, as determined by the need of the individual pupil. Such board may permit, in addition to the operator of such vehicle, any adult, willing to serve without compensation, to act as an attendant for such children. Such transportation, when provided pursuant to this subdivision, shall be granted to all such children irrespective of the school they legally attend.

5a. The provisions of subdivision four of this section shall apply only to children having intelligence quotients of not less than fifty.

6. The board of education or trustees of each school district in which there are ten or more dilinquent children shall establish such special classes as may be necessary to provide instruction adapted to the capabilities of such children under rules to be established by the commissioner of education.

New York

7. The board of education of each union free, central or city school district in which there are ten or more non-English speaking children may establish such special classes as may be necessary to provide instruction adapted to such children under rules established by the commissioner of education.

North Carolina

Note: 1. No change.

Public Law 115-198 (1955);

County and city boards of education shall require that all subjects in the course of study, except foreign languages, be taught in the English language, and any teacher or principal who shall refuse to conduct his recitations in the English language may be dismissed.

North Dakota

Note: 1. No change.

15-47-03. English language to be used in schools. All reports and records of school officers and proceedings of school officers and proceedings of school meetings shall be in the English language. If any money belonging to a school district shall be expended in supporting a school in which the English language is not the medium of instruction exclusively, the county superintendent of schools or any taxpayer of the district, in a civil action in the name of the district, may recover for the district all such money from the officer expending it or ordering or voting for its expenditure.

Ohio

Note: 1. No change.
2. No statutory provision.

Oklahoma

Note: 1. The state of the law is unchanged but Kloss omitted Article I sec. 5 of the state constitution and cited the statute incorrectly. The statute is titled 70 sec. 11-102.

Section 155, School Laws of Oklahoma

Instruction given in the several branches of learning in the public schools shall be conducted in the English language except as is necessary for the teaching of foreign languages.

Oklahoma

Article I section 6. Public Schools - separate schools

Provisions shall be made for the establishment and maintenance of a system of public schools, which shall be open to all the children of the State and free from sectarian control; and said schools shall always be conducted in English: Provided that nothing herein shall preclude the teaching of other languages in said public.

Oregon

Note: 1. Section 366.078 repealed.
2. Section S366.074 enacted.
3. Section S336.079 enacted.

Section 366.074. Teaching in English required; exceptions.

Instruction in all subjects in public, private and parochial schools shall be conducted primarily in English, except:

(1) Instruction in foreign language
(2) Instruction may be conducted in more than one language in order that pupils whose native language is other than English can develop bilingual skills to make an early and effective transition to English and benefit from increased educational opportunities.

Section 336.079. Special English courses for certain children.

Specific courses to teach speaking, reading, and writing of the English language shall be provided at each grade level, starting at the first grade, to those children who are unable to profit from classes taught in English. Such courses shall be taught to such a level in school as may be required until children are able to profit from classes conducted in English.

Pennsylvania

Note: 1. The Pennsylvania Elementary and Secondary Education Act was held to violate the First Amendment of the United States Constitution in Lemon v. Kurtzman, 403 U.S. 602 (1971).
2. Title 22, Pennsylvania Code sec. 5.24 is not a statute; it is a regulation of the State Board of Education, promulgated in 1973.

Section 15-1511. Subjects of Instruction

In every elementary public and private school, established and maintained in this Commonwealth the following subjects shall be taught, in the English language and from English texts: English, including spelling, reading and writing, arithmetic, geography, the history of the United States

Pennsylvania

and of Pennsylvania, civics, including loyalty to the State and National Government, safety education, and the humane treatment of birds and animals, health, including physical education, and physiology, music and art. Other subjects shall be taught in the public elementary schools and also in the public high schools as may be prescribed by the standards of the State Board of Education. All such subjects, except foreign languages, shall be taught in the English language and from English texts: Provided, however, that, at the discretion of the Superintendent of Public Instruction, the teaching of subjects in a language other than English may be permitted as part of a bilingual education program if the teaching personnel are properly certified in the subject fields.

Title 22 Pennsylvania Code Section 5.24. Bilingual/bicultural education

a) Each child whose dominant language is not English shall be provided with either a Bilingual/Bicultural Program or English as a Second Language (ESL) program in accordance with the standards, guidelines, and definitions established by the Secretary.

b) Provision shall be made for students whose dominant language is English to become acquainted with the language, history, and culture of their non-English speaking peers.

Rhode Island

Note: 1. Chapter 54 enacted.

Section 16-54-2. Declaration of policy.

The legislature finds that there are large numbers of children in the state who come from environments where the primary language is other than English, and that public school classes in which instruction is given only in English are often inadequate for the education of children whose native tongue is another language. The legislature believes that transitional bilingual education programs can meet the needs of these children and facilitate their integration into the regular public school curriculum. Therefore, pursuant to the policy of the state to ensure equal educational opportunity to every child, and in recognition of the educational needs of children of limited English-speaking ability, it is the purpose of this chapter to provide for the establishment of transitional bilingual education programs in the public schools and to provide for reimbursement to school districts of the extra costs of such programs.

Section 16-54-3. Definitions as used in this chapter.

(1) "Department" means the state department of education

(2) "District" means school district

(3) "School board" means the board of education of a local school district;

(4) "Children of limited English-speaking ability" means children whose native tongue is a language other than English and who have difficulty performing ordinary class work in English; provided, that where a school district has made a judgment that a child is not of limited English-speaking ability, but his parent (or legal guardian) reasonably disagrees, the parent's judgment shall be conclusive.

Section 16-54-4. Census - Classification - Mandatory establishment of programs - Discretionary establishment of programs.

(a) the school board of every school district shall ascertain annually in a census, under regulations prescribed by the department, the number of school age children of limited English-speaking ability resident within the district. In making such census the school board shall seek the assistance and cooperation of any agencies, organizations or community groups, public or private, which might have information about children of limited English-speaking ability residing in the school district. The department shall cooperate with and assist school districts in taking the census.

(b) the school board of each district shall classify the children of limited English-speaking ability within the district according to the language in which they possess a primary speaking ability. Whenever there are within a school district twenty (20) or more children of limited English-speaking ability in any such classification, the school board of said district shall establish, for each such classification, a transitional bilingual education program (hereinafter, bilingual program) for all the children therein. A school board may establish a bilingual program with respect to any classification containing less than twenty (20) children. In mandatory programs, children speaking different non-English languages shall not be combined in the same program.

Rhode Island

Section 16-54-5. Enrollment of children of limited English-speaking ability - Enrollment of other children - Notification — Parent's right of withdrawal.

(a) Every school age child of limited English-speaking ability residing within a school district required to provide a bilingual program for his classification shall be enrolled in such a program. An examination in listening comprehension, speaking, reading, and writing of English, as prescribed by the department, shall be administered annually to all children of limited English-speaking ability enrolled in a bilingual program. No school district shall transfer a child of limited English-speaking ability out of a mandatory bilingual program prior to his sixth year of enrollment therein unless the child has received a score on said examination which, in the opinion of the department, reflects a level of English language skills which will enable him to perform successfully in regular classes appropriate for his age. If later evidence suggests that a child so transferred is still handicapped by an inadequate command of English, the child shall have the right to be reenrolled in the bilingual program for a length of time equal to that portion of the six (6) year period which remained at the time he was transferred. A school district may allow any child to continue in a bilingual program for a period longer than that required in this paragraph.

(b) The school district shall, to the fullest extent possible, enroll a substantial number of English-speaking children in bilingual programs, provided that priority shall be given to children of limited English-speaking ability.

(c) No later than ten (10) days after the enrollment of any child in a bilingual program, the school board of the district in which the child resides shall notify by registered mail the parents or legal guardian of the child of such enrollment. The notice shall contain a simple, non-technical discription of the purposes, method, and content of the bilingual program; it shall inform the parents that they may have the right to visit the classes in which their child is enrolled and to come to the school for a conference to explain the nature of the bilingual program; and it shall inform the parents of their right to withdraw their child from the program as hereinafter provided.

(d) The notice shall be in writing both in English and in the language of which the child of the parents so notified possesses a primary speaking ability.

(e) Any parent whose child has been enrolled in a bilingual program shall have the right to withdraw his child from said program at any time by written notice to the principal of the school in which his child is enrolled or to the school board of the school district in which his child resides; provided, that school districts shall make affirmative efforts to encourage the continued participation of both English and non-English-speaking children in bilingual programs.

Section 16-54-6. Enrollment of non-resident students.

A school may allow a non-resident child of limited English-speaking ability to enroll in or attend its bilingual program and the tuition for such child shall be paid by the school district in which he resides. Such tuition payments shall be eligible for reimbursement in the manner provided in Section 16-54-14.

Section 16-54-7. Content of programs and methods of instruction - Non-verbal courses and extra-curricular activities - Location of courses - Class composition and size.

(a) A bilingual program shall be a full time program of instruction (1) in all subjects required by law or by the school district, which shall be given in the native language of the children of limited English-speaking ability who are enrolled in the program, and the English language; (2) in the comprehension, speaking, reading and writing of the native language of the children of limited English-speaking ability who are enrolled in the program, and in the comprehension, speaking, reading and writing of the English language; and (3) in the history and culture associated with the native language of the children of limited English-speaking ability who are enrolled in the program, and in the history and culture of the United States.

(b) Bilingual programs shall be located in the regular public schools rather than in separate facilities; and no school district shall, in providing programs under this chapter, assign students to schools in a way which will be the effect of promoting segregation of students by race, color, or national origin. In predominantly non-verbal subjects, such as art, music, and physical education, children of limited

English-speaking ability shall participate fully with their English-speaking contemporaries in the public school classes provided for said subjects. Every school district shall ensure to children enrolled in a bilingual program a meaningsul opportunity to participate fully with other children in all extracurricular activities.

(c) Children enrolled in a bilingual program shall be placed in classes with children of approximately the same age and level of educational attainment. Children of widely disparate ages or educational levels shall not be combined in the same classroom except as approved by the department; and no such combination shall be approved unless it is necessary to avoid hardship to the district or to the children and is found to be educationally sound. If, in accordance with the above, children of different ages or educational levels are combined, the district so combining shall ensure that the instruction given each child is appropriate to his level of educational attainment, and school districts shall keep adequate records of the educational level and progress of each child enrolled in a program. The maximum student-teacher ratio shall be set by the department and shall reflect the special educational needs of children enrolled in bilingual programs.

Section 16-54-8. Bilingual education teachers - Certificates - Exemption

(a) The state board of regents for education (hereinafter, the board) shall grant permanent teaching certificates in bilingual education to persons who present the board with satisfactory evidence that they:

(1) possess a speaking and reading ability in a language other than English, and communicative skills in English;

(2) possess a bachelor's degree or other academic degree approved by the state board;

(3) meet such requirements as to course of study and training as the board may prescribe, or possess such relevant experience as may be satisfactory to the board.

(b) The requirements of the general teacher certification law shall not apply to the board.

(c) For the purpose of certifying bilingual education teachers the board may approve programs at colleges or universities devoted to the preparation of such teachers.

(d) A person holding a general teaching certificate who presents the board with satisfactory evidence of speaking and reading ability in a language other than English may be certified under this section.

(e) Any person certified under this section shall be eligible for employment by a school board as a teacher in a bilingual program in which the language for which he is certified is used as a medium of instruction. A school board may prescribe only such additional qualifications for teachers certified under this section as are approved by the board. Any local school board upon request may be exempted from the certification requirements of this section in the hiring of one or more bilingual education teachers for any school year in which compliance therewith would in the opinion of the department create a hardship in the district in the securing of such teachers.

(f) A bilingual education teacher serving under an exemption as provided in the preceding paragraph shall be granted a certificate as soon as he receives the requisite qualifications therefor. Not more than two (2) years of service by a bilingual education teacher under such an exemption shall be credited to the teacher for the purposes of the state tenure law, and said two (2) years shall be deemed to precede immediately, and to be consecutive with, the year in which a teacher becomes certified.

(g) A teacher holding a certificate or exemption under this chapter shall be compensated according to a schedule which is at least equivalent to that applicable to teachers holding general certificates. No person shall be denied a certificate or exemption under this chapter or denied employment or tenure as a bilingual education teacher because he is not a United States citizen.

(h) A school district may, in circumstances to be prescribed by the department, employ in a bilingual program teachers holding certificates or exemptions under the general teacher certification law.

(i) In hiring teachers for a bilingual program who speak a language other than English, including certified teachers and teachers serving under exemptions, school districts shall give preference to, and make affirmative efforts to recruit, persons who are native-speakers of the language and share the culture of the children of limited English-speaking ability who are enrolled in the program.

(j) No rules or regulations for certification of bilingual education teachers shall be is issued except after notice to the public and hearings at which any person may testify; further hearings shall be held, not less than once every two (2) years, to review and, if appropriate, revise such rules or regulations.

Section 16-54-9. Teachers' aides - Community coordinators

(a) A bilingual education teacher's aide shall be a person employed to assist a teacher in a bilingual program. Each school board providing bilingual programs under this chapter shall employ such teachers' aides to assist in teaching the programs; provided, however, that at least half the teachers' aides assigned to each program shall be native-speakers of the language and share the culture of the children of limited English-speaking ability enrolled in the program.

(b) Any school board which conducts bilingual programs pursuant to this chapter shall employ, on a full or part-time basis, one or more community coordinators for each program in which one hundred (100) or more children are enrolled. Community coordinators shall seek to promote communication, understanding, and cooperation between the public schools and the community, and shall visit the homes of children who are or could be enrolled in a bilingual program in order to convey information about the program. A coordinator shall be a native-speaker of the language and share the culture of the children of limited English-speaking ability enrolled in the program to which he is assigned.

(c) No person shall be denied employment as a bilingual education teacher's aide or community coordinator because he is not a United States citizen; nor shall the provisions of the state civil service law affect the hiring and employment of such aides or coordinators.

Section 16-54.10. District directors

The school board of any school district in which two hundred (200) or more children are enrolled in bilingual programs shall appoint a director of bilingual education for the district. The director shall be qualified as a bilingual education teacher and shall, under regulations prescribed by the department, supervise the operation of the district's program. Districts shall make affirmative efforts to recruit directors who are native-speakers of a language other than English.

Section 16-54-11. Parent and community participation

(a) School boards shall provide for the maximum practical involvement of parents of children enrolled in bilingual programs. Each school district shall, accordingly, establish a parent advisory committee for each program which affords parents the opportunity effectively to express their views and which ensures that a bilingual program is planned, operated, and evaluated with the involvement of, and in consultation with, parents of children served by the program. Such committees shall be composed solely of parents of children enrolled in bilingual programs, bilingual education teachers and teachers' aides, community coordinators, and representatives from poor peoples' community groups; provided, however, that a majority of each committee shall be parents of children enrolled in the corresponding bilingual program, and that the number of English-speaking and non-English-speaking students enrolled in the bilingual program.

(b) The department shall promulgate rules and regulations to implement the requirements of this section.

Section 16-54-12. Preschool and summer bilingual program

A school district may establish on a full or part-time basis preschool or summer school bilingual programs, or join with other school districts in establishing such programs. Summer programs shall not serve as a substitute for bilingual programs required to be provided during the regular school year.

Section 16-54-13. Language studies

(a) Whenever in any junior or senior high school in the state twenty (20) or more students who speak a language other than English apply for courses in the study of that language, the school board of the district shall provide such courses. The courses shall include instruction in the reading and writing of said language and study of the literature, history, and culture associated with said language. Any student in the school shall be eligible to participate in such courses.

(b) Any school board may also provide in its elementary schools courses for the study of a language other English which is spoken by a portion of the community. Any child shall be eligible to participate in such courses; provided, however, that in no circumstances shall such language courses be employed as a substitute for the bilingual programs required by this chapter.

Section 16-54.14. Reimbursement by the state

(a) The expenditures by local school districts for the bilingual programs required or permitted under this chapter, including amounts expended for pre-service or in-service teacher training programs which are approved by the department, shall, for the amount by which they exceed the average per pupil expenditure of the school district for the education of children of comparable age, be reimbursed by the state.

(b) Every school district seeking reimbursement under this section shall submit a plan for bilingual education to the department before the beginning of each school year. The plan shall propose a bilingual education program or programs for the district and shall be in the form and shall set forth sufficient facts as the department finds necessary to determine whether the proposed program(s) conforms to the provisions of this chapter and the department's regulations hereunder. Nonconforming plans shall not be approved and shall be returned to the school district, with specifications of the reasons for nonapproval, in such time as will allow the school district a reasonable opportunity to resubmit an amended plan. Approval of a plan shall be prerequisite to state reimbursement.

(c) Reimbursement shall be made upon certification by the department that bilingual programs have been carried out in accordance with the provisions of this chapter, the department's regulations hereunder, and approved plans submitted earlier by school districts. In the event that amounts certified by the department as eligible for reimbursement under this section exceed the available state funds therefor, reimbursement of approved programs shall be ratably reduced.

(d) Participating school districts shall keep such records and afford such access thereto as the department finds necessary to ensure that bilingual programs are implemented in conformity with approved plans, this chapter and regulations hereunder.

(e) All expenditures for bilingual programs, other than those actually reimbursed under this chapter, shall be included in computing the total expenditures of the school district for purposes of the general state aid to education laws.

Section 16-54-15. Department of education

In addition to the powers and duties prescribed in previous sections of this chapter, the department of education shall promulgate rules and regulations and take any other actions which will promote the full implementation of all provisions of this chapter. A copy of the rules and regulations issued by the department shall be sent to all school districts in the state.

Section 16-54-16. Division for bilingual education

(a) There shall be established within the department of education a division for bilingual education which shall be headed by an assistant commissioner. The assistant commissioner shall be appointed by the board of education upon the recommendations of the commissioner of education, and shall report directly to the board and to the commissioner. In selecting an assistant commissioner preference shall be given to persons who are native-speakers of a language other than English in which bilingual programs are offered.

(b) The division for bilingual education shall be enlarged with the following duties:

(1) to assist the department in the administration and enforcement of the provisions of this chapter and in the formulation of the regulations provided for herein;

(2) to study, review, and evaluate all available resources and programs that, in whole or in part, are or could be directed towards meeting the language capability needs of children and adults of limited English-speaking ability resident in the state;

(3) to gather information about the theory and practice of bilingual education in the state and elsewhere, to encourage experimentation and innovation in the field of bilingual education, and to make a regular report to the legislature, the governor, and the public;

(4) to provide for the maximum practical involvement of parents of children of limited English-speaking ability, bilingual education teachers, teachers' aides, community coordinators, representatives of community groups, educators, and laymen knowledgeable in the field of bilingual education in the formulation of policy and procedures relating to the administration of this chapter;

Rhode Island

(5) to consult with other public departments and agencies, including, but not limited to, the department, including, but not limited to, the of social and rehabilitative services, the department of employment security, the commission against discrimination, and the United States Department of Health, Education, and Welfare in connection with the administration of this chapter;

(6) to make recommendations to the department in the areas of pre-service and in-service training for bilingual education teachers, curriculum development, testing and testing mechanisms, and the development of materials for bilingual education programs; and

(7) to undertake any further activities which may assist the department in the full implementation of this chapter.

Section 16-54-17. Effective date - Funding

This chapter shall take effect only when funds of the federal government are made available to and accepted by the state department of education to carry out the purposes of this chapter on a continuing basis.

South Carolina

Note: 1. No change.
2. No statutory or constitutional provisions

South Dakota

Note: 1. Section 13-33-11 amended.

13-33-11. Instruction to promote mastery of English language. Instruction in any elementary school, academy, college or higher institution of learning shall be such that it promotes a mastery of the English language in oral and written communication.

Tennessee

Note: 1. No change.
2. No statutory or constitutional provisions.

Texas

Note: 1. Article 2893 (Sec. 21.109) amended.
2. Section 11.17, 12.04, and 21.451-460 enacted.

Section 11.17. Bilingual Education Training Institutes

(a) The Central Education Agency shall conduct bilingual education training institutes.

(b) The agency shall make rules and regulations governing the conduct of and participation in the institutes.

(c) Professional and paraprofessional public school personnel who participate in the bilingual education training institutes shall be reimbursed for expenses incurred as a result of their participation in accordance with rules and regulations adopted by the agency.

Section 12.04. Bilingual Education Textbooks

(a) The State Board of Education shall acquire, purchase, and contract for, with bids, subject to rules and regulations adopted by the board, free textbooks and supporting media for use in bilingual education programs conducted in the public school systems of this state.

(b) The textbooks and supporting media shall be paid for out of the textbook fund and shall be the property of the State of Texas, to be controlled, distributed, and disposed of pursuant to board regulations.

Section 21. 109. Language of Instruction

(a) English shall be the basic language of instruction in all schools.

(b) It is the policy of this state to insure the mastery of English by all pupils in the schools; provided that bilingual instruction may be offered or permitted in those situations when such instruction is necessary to insure their reasonable efficiency in the English language so as not to be educationally disadvantaged.

Subchapter 1. Bilingual Education

Section 21.451. State Policy

The legislature finds that there are large numbers of children in the state who come from environments where the primary language is other than English. Experience has shown that public school classes in which instruction is given only in English are often inadequate for the education of children whose native tongue is another language. The legislature believes that a compensatory program of bilingual education can meet the needs of these children and facilitate their integration into the regular school curriculum. Therefore,

pursuant to the policy of the state to insure equal educational opportunity to every child, and in recognition of the educational needs of children of limited English-speaking ability, it is the purpose of this subchapter to provide for the establishment of bilingual education programs in the public schools and to provide supplemental financial assistance to help local school districts meet the extra costs of the programs.

Section 21.452. Definitions

In this subchapter the following words have the indicated meanings:

(1) "Agency" means the Central Education Agency

(2) "Board" means the governing board of a school district

(3) "Children of limited English-speaking ability" means children whose native tongue is a language other than English and who have difficulty performing ordinary classwork in English

Section 21.453. Establishment of Bilingual Programs

(a) The governing board of each school district shall determine not later than the first day of March, under regulations prescribed by the State Board of Education, the number of school-age children of limited English-speaking ability within the district and shall classify them according to the language in which they possess a primary speaking ability.

(b) Beginning with the 1974-75 scholastic year, each school district which has an enrollment of 20 or more children of limited English-speaking ability in any language classification in the same grade level during the preceding scholastic year, and which does not have a program of bilingual instruction which accomplishes the state policy set out in Section 21.451 of this Act, shall institute a program of bilingual instruction for the children in each language classification commencing in the first grade, and shall increase the program by one grade each year until bilingual instruction is offered in each grade up to the sixth. The board may establish a program with respect to a language classification with less than 20 children.

Section 21.454. Program Content; Method of Instruction

(a) The bilingual education program established by a school district shall be a full-time program of instruction (1) in all subjects required by law or by the school district, which shall be given in the native language of the children of limited English-speaking ability who are enrolled in the program, and in the English language; (2) in the comprehension, speaking, reading, and writing of the native language of the children of limited English-speaking ability who are enrolled in the program, and in the comprehension, speaking, reading, and writing of the English language; and (3) in the history and culture associated with the native language of the children of limited English-speaking ability who are enrolled in the program, and in the history and culture of the United States.

(b) In predominantly nonverbal subjects, such as art, music, and physical education, children of limited English-speaking ability shall participate fully with their English-speaking contemporaries in regular classes provided in the subjects.

(c) Elective courses included in the curriculum may be taught in a language other than English.

(d) Each school district shall insure to children enrolled in the program a meaningful opportunity to participate fully with other children in all extracurricular activities.

Section 21.455. Enrollment of Children in Program

(a) Every school-age child of limited English-speaking ability residing within a school district required to provide a bilingual program for his classification shall be enrolled in the program for a period of three years or until he achieves a level of English language proficiency which will enable him to perform successfully in classes in which instruction is given only in English, whichever first occurs.

(b) A child of limited English-speaking ability enrolled in a program of bilingual education may continue in that program for a period longer than three years with the approval of the school district and the child's parents or legal guardian.

(c) No school district may transfer a child of limited English-speaking ability out of a program in bilingual education prior to his third year of enrollment in the program unless the parents of the child approve the transfer in writing, and unless the child has received a score on an examination which, in the determination of the agency, reflects a level of English language skills appropriate to his or her grade level. If later evidence suggests that a child who has been transferred is still handicapped by an inadequate command of English, he may be reenrolled in the program for a length of time equal to that which remained at the time he was transferred.

(d) No later than 10 days after the enrollment of a child in a program in bilingual education the school district shall notify the parents or legal guardian of the child that the child has been enrolled in the program. The notice shall be in writing in English, and in language of which the child of the parents possesses a primary speaking ability.

Section 21.456. Facilities; classes

(a) Programs in bilingual education, whenever possible, shall be located in the regular public schools of the district rather than in separate facilities.

(b) Children enrolled in the program, wherever possible, shall be placed in classes with other children of approximately the same age and level of educational attainment. If children of different age groups or educational levels are combined, the school district shall insure that the instruction given each child is appropriate to his or her level of educational attainment, and the district shall keep adequate records of the educational level and progress of each child enrolled in the program.

(c) The maximum student-teacher ratio shall be set by the agency and shall reflect the special educational needs of children enrolled in programs of bilingual education.

Section 21.458. Preschool and Summer School Programs

A school district may establish on a full or part-time basis preschool or summer school programs in bilingual education for children of limited English-speaking ability and may join with other districts in establishing the programs. The preschool or summer programs shall not be a substitute for programs required to be provided during the regular school year.

Section 21.459. Bilingual Education Teachers

(a) The State Board of Education shall promulgate rules and regulations governing the issuance of teaching certificates with bilingual education endorsements to teachers who possess a speaking and reading ability in a language other than English in which bilingual education programs are offered and who meet the general requirements set out in Chapter 13 of this code.

(b) The minimum monthly base pay and increments for teaching experience for a bilingual education teacher are the same as for a classroom teacher with an equivalent degree under the Texas State Public Education Compensation Plan. The minimum annual salary for a bilingual education teacher is the monthly base salary, plus increments, multiplied by 10, 11, or 12, as applicable.

Section 21.460. Allotments for operational expenses and transportation.

(a) To each school district operating an approved bilingual education program there shall be allotted a special allowance in an amount to be determined by the agency for pupil evaluation, books, instructional media, and other supplies required for quality instruction.

(b) The cost of transporting bilingual education students from one campus to another within a district or from a sending district to an area vocational school or to an approved post-secondary institution under a contract for instruction approved by the Central Education Agency shall be reimbursed based on the number of actual miles traveled times the district's official extracurricular travel per mile rate as set by their local board of trustees and approved by the Central Education Agency.

(c) The Foundation School Fund Budget Committee shall consider all amounts required for the operation of bilingual education programs in estimating the funds needed for purposes of the Foundation School Program.

(d) The cost of funding this Act shall, for fiscal years 1974 and 1975, be maintained at the level contained in House Bill 139, 63rd Legislature, Regular Session, 1973.

Utah

Note: 1. Utah Code Annotated 53-7-18(h) enacted.

53-7-18(h)

The state's contribution of $600,000 annually for programs approved by the state board of education in compensatory education shall be apportioned as follows:

Each district shall receive its proportionate share of the amount of funds that the district's number of disadvantaged pupils bears to the total number of disadvantaged pupils for all districts. Disadvantaged pupils shall include from low-income families, Spanish-American and American Indian pupils with bilingual characteristics, foster children, neglected and delinquent children, and pupils from aid to dependent children cases.

Vermont

Note: 1. No change.
2. No statutory or constitutional provisions.

Virginia

Note: 1. No change.
2. No statutory or constitutional provisions.

Washington

Note: 1. No change.

Chapter 71, Washington Laws of 1969

All students in the common schools of the state of Washington shall be taught in the English language: Provided, that nothing in this section shall preclude the teaching of students in a language other than English when such instruction will aid the educational advancement of the student.

West Virginia

Note: 1. No change.

Chapter 18-2-7, West Virginia Code

The basic language of instruction in the common school branches in all schools, public, private, and parochial, shall be the English language only.

Wisconsin

Note: 1. No change.

Section 118.01, Wisconsin Statutes

All instruction shall be in the English language, except that the school board may cause any foreign language to be taught to such pupils as desire it.

Wyoming

Note: 1. No change.
2. No statutory or constitutional provisions.

OTHER AMERICAN-FLAG JURISDICTIONS

District of Columbia

Note: 1. No change.
2. No statutory or constitutional provisions.

Guam

Note: 1. Section 11681 enacted.

Statutory Provision concerning Public Schools; Gov. Code Chapter 3, Title 12, Section 11200.

English language required. All courses of study shall be taught in the English language, except courses in foreign language.

Section 11681

Board of Education is authorized to initiate and develop a bilingual-bicultural education program emphasizing language and culture of the Chamorro people.

Panama Canal Zone

Note: 1. No change.
2. No statutory provisions.

[illegible] Rico

Note: 1. No change.

Public Law No. 139 Section 5

Serán criterios inalterables la enseñanza en español y la intensificación de la enseñanza del inglés como idioma adicional.

(Instruction in Spanish and the intensification of the teaching of English as an additional language shall be unalterable standards.)

Samoa

Note: 1. Kloss omitted Section 204, Title 18.

Section 204

Instruction in all public schools shall be in English, but the Samoan language maybe used when necessary to facilitate teaching in the English language.

Trust Territories of the Pacific

Note: 1. No change.
2. No statutory or constitutional provisions.

Virgin Islands

Note: 1. Title 12, Section 341 (a) and (b) enacted

Section 341

(a) Department of Education is authorized and directed to establish and maintain a bilingual education program with special courses and classroom in English and Spanish, in any public elementary or secondary school in which 10 or more pupils are unable to speak understand, read and/or write English well enough to carry on normal class activities of grade in which he is enrolled.

(b) Department of Education is sole agency for administration of bilingual programs under this section and the Bilingual Education Act of Congress of 1968. It shall:

(1) plan and develop programs to meet special educational needs of children of limited English-speaking ability in schools with a high concentration of such children,

(2) recruit and train teachers, aides, and other personel for the program.

(3) provide necessary teaching materials and equipment for the programs.

SUMMARY OF LEGISLATIVE ACTIVITY IN THE FIFTY STATES AND OTHER AMERICAN-FLAG JURISDICTIONS

Figure 1. Legislation Affecting Bilingual Education in the Fifty States

STATE	TYPE OF STATUTE				
	PROHIBITORY P/NP	PROHIBITORY P	NO PROVISION	PERMISSIVE	MANDATORY
ALABAMA	X[1]				
ALASKA					X
ARIZONA				X	
ARKANSAS	X				
CALIFORNIA				X	
COLORADO				X	
CONNECTICUT				X	
DELAWARE		X			
FLORIDA				X	
GEORGIA			X		
HAWAII			X		
IDAHO		X			
ILLINOIS				X	X
INDIANA			X		
IOWA	X				
KANSAS				X	
KENTUCKY			X		
LOUISIANA		X			
MAINE				X	
MARYLAND				X	
MASSACHUSETTS				X	X
MICHIGAN				X	X
MINNESOTA				X	
MISSISSIPPI			X		
MISSOURI			X		
MONTANA	X[2]				
NEBRASKA	X				
NEVADA			X		

1/ Prohibitory in only the first six grades
2/ Prohibitory in only the first through the eighth grades or until 16 years of age.

Figure 1. (Continued)

STATE	TYPE OF STATUTE				
	PROHIBITORY P/NP	PROHIBITORY P	NO PROVISION	PERMISSIVE	MANDATORY
NEW HAMPSHIRE				X	
NEW JERSEY				X	X
NEW MEXICO				X	
NEW YORK				X	
NORTH CAROLINA	X				
NORTH DAKOTA			X		
OHIO			X		
OKLAHOMA		X			
OREGON				X	
PENNSYLVANIA					X[1/]
RHODE ISLAND				X	X
SOUTH CAROLINA			X		
SOUTH DAKOTA				X	
TENNESSEE			X		
TEXAS				X	X
UTAH				X	
VERMONT			X		
VIRGINIA			X		
WASHINGTON				X	
WEST VIRGINIA	X				
WISCONSIN		X			
WYOMING			X		

1/ Regulation, not statute.

Figure 2. Legislation Affecting Bilingual Education in Non-State American-Flag Jurisdictions

JURISDICTION	TYPE OF STATUTE				
	PROHIBITORY P/NP	PROHIBITORY P	NO PROVISION	PERMISSIVE	MANDATORY
GUAM				X	
PANAMA CANAL ZONE			X		
PUERTO RICO					X2/
SAMOA				X	
TRUST TERRITORIES			X		
VIRGIN ISLANDS				X	
WASHINGTON D.C.			X		

2/ Puerto Rico requires the use of Spanish as the language of instruction in the classroom.

Terms used in Figures 1 and 2

PROHIBITORY	--	The jurisdiction has a provision which requires that instruction be exclusively in English
P/NP	--	Refers to both public and non-public schools
P	--	Refers to public schools only
NO PROVISION	--	The jurisdiction has no provisions specifying any language of instruction
PERMISSIVE	--	The jurisdiction has a provision which expressly or implicitly permits the use of a language of instruction other than English
MANDATORY	--	The jurisdiction has a provision which identifies circumstances under which a local school district must provide instructional programs employing a language other than English

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